

1963

If this is the case in a State as prosperous as Connecticut, it is obvious that there are many communities throughout the country where the health and well-being of families, while not necessarily in jeopardy, are suffering from neglect.

I am not an alarmist who contends that it will be too late to meet this problem if we do not take action immediately. But I do regret that it has taken us so long to make provision for the Federal Government to play its rightful, indeed essential role in helping to insure that in the years to come the American people will have an adequate number of doctors and other health specialists.

I believe the statistics I have cited make a compelling argument in support of Federal assistance.

I have had an especially deep interest in this field for a number of years because of the project that is underway in Connecticut to start a medical-dental school as a part of the University of Connecticut.

The State legislature has appropriated the sum of \$2 million toward this goal, a site has been selected and the land has been purchased. But even though good progress has been made to date, under State initiative, Federal assistance would be most helpful, so that the eventual training capacity of this medical-dental school can be expanded.

Year after year Congress appropriates millions of dollars for medical research and for the construction of hospitals, and this is certainly a proper and worthwhile thing for us to do.

Let us today pass and send to the President this House bill, so that we can take an important first step toward insuring an adequate supply of professionally trained persons, to pass on to all of our people the knowledge and techniques that have been developed by modern medicine.

Mr. HILL. I yield 1 minute to the Senator from Rhode Island.

Mr. PELL. Mr. President, the bill presently under consideration, has received long and exhaustive study by both this body and the House. In fact as my senior colleague, Senator PASTORE said earlier, he helped lead this same fight a dozen years ago. This bill's provisions have been scrutinized and weighed with care and deliberation. The final result of these labors, is a conclusion that a great need exists for more medical facilities and more adequate loan moneys available to the students who qualify for this training.

Only a short while ago, on August 23, 1963, I received a letter from Barnaby C. Keeney, president of Brown University, which is included on page 305 of the hearings before the Labor and Public Welfare Committee. President Keeney amply illustrated the importance of Federal legislation in the medical and related fields. He discussed this medical education program, the first in modern times in the State of Rhode Island, that Brown University is undertaking. It is a commendable effort, and one for which a definite need exists. It is also something of an innovation in the field of medical study, for it is predicated upon a 6-year curriculum. This is calculated

to provide both a sound and substantial medical education, while at the same time lessening the time and cost of educating its participants.

Should we fail to look ahead, to count the future needs of this country in an area that affects us all at one time or another, we shall be doing less than meeting the needs of our citizens; we shall be failing to provide that important ounce of prevention. If we do fail to act as the House has done on this legislation, I can only surmise what that future pound of cure may cost.

Mr. HILL. I yield 2 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, as an original cosponsor of this bill in earlier Congresses, it is indeed a pleasure to witness its passage this afternoon. The Health Professions Educational Assistance Act will provide badly needed help in alleviating critical shortages of professional health personnel throughout the Nation.

The Senator from Minnesota wants the record to be clear that the existing parliamentary situation necessitated his voting against several perfecting amendments that otherwise should have been adopted. In particular, the Cotton amendment to provide forgiveness of student loans where the graduate agrees to practice in rural areas was a constructive suggestion. But its adoption would have placed the entire measure in serious jeopardy. I could not vote to take this risk.

Let the Senator from New Hampshire know that this Senator would welcome the opportunity to vote for this feature once the program is established and is in operation. Many rural areas of Minnesota are faced with a growing shortage of doctors and other health personnel and this proposal would help meet this shortage. I hope this amendment will be adopted at a future time.

There is no possible excuse for every resident of this Nation not to have the finest medical and health care available. But, unfortunately, this is not the case. We are all quite familiar with the grave problem faced by many senior citizens and this Senator hopes that matter will be resolved before the 88th Congress adjourns next year. The legislation we consider today represents a good beginning to insure that we will train an adequate supply of health personnel to meet the expanding population of the coming decades. Now let us also enact legislation to insure that our elementary schools, secondary schools, and colleges and universities are able to train the students we need to enter medical school. The challenge of education is a comprehensive challenge. We must meet it with a comprehensive program such as President Kennedy has presented to us.

I commend the distinguished Senator from Alabama [Mr. HILL], the most able chairman of the Committee on Labor and Public Welfare, for his masterful guidance of this legislation. No public servant in the history of America has done so much to see that this Nation has the finest health and medical facilities on earth.

The Health Professions Educational Assistance Act represents another major accomplishment in the health field which has been possible due to the wise and skillful leadership of the distinguished Senator from Alabama. He has the profound thanks and admiration of this Senator and, in fact, all the people of this Nation.

Mr. HILL. Mr. President, I yield back the remainder of the time under my control.

The PRESIDING OFFICER. All remaining time has been yielded back.

The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Maryland [Mr. BREWSTER], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I further announce that the Senator from California [Mr. ENGLE] is necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Tennessee [Mr. WALTERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business to attend a meeting of the Interparliamentary Union.

The Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from New Jersey [Mr. CASE], and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

The result was announced—71 yeas, 9 nays, as follows:

[No. 160 Leg.]

YEAS—71

Aiken	Hickenlooper	Morton
Bartlett	Hill	Moss
Bayh	Holland	Mundt
Beall	Hruska	Muskie
Bennett	Humphrey	Neuberger
Bible	Inouye	Pastore
Boggs	Jackson	Pell
Burdick	Javits	Prouty
Byrd, W. Va.	Johnston	Proxmire
Cannon	Jordan, Idaho	Randolph
Carlson	Keating	Russell
Church	Kuchel	Saltonstall
Clark	Lausche	Scott
Cotton	Long, Mo.	Smathers
Dodd	Long, La	Smith
Douglas	Magnuson	Sparkman
Edmondson	Mansfield	Symington
Ervin	McCarthy	Talmadge
Fong	McClellan	Williams, N.J.
Fulbright	McGovern	Williams, Del.
Gore	McIntyre	Yarborough
Hart	Metcalfe	Young, N. Dak.
Hartke	Miller	Young, Ohio
Hayden	Morse	

NAYS—9

Byrd, Va.	Ellender	Stennis
Curtis	Robertson	Thurmond
Dominick	Simpson	Tower

NOT VOTING—20

Allott	Engle	Mechem
Anderson	Goldwater	Monroney
Brewster	Gruening	Nelson
Case	Jordan, N.C.	Pearson
Cooper	Kennedy	Ribicoff
Dirksen	McGee	Walters
Eastland	McNamara	

So the bill (H.R. 12) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD, Mr. RUSSELL, and Mr. KUCHEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

EXTENSION AND BROADENING OF AUTHORITY TO INSURE MORTGAGES UNDER THE NATIONAL HOUSING ACT

Mr. MANSFIELD. Mr. President, with the concurrence of the Senate, I move at this time that the Senate proceed to consider Calendar No. 463, S. 1952, which the distinguished Senator from Alabama [Mr. SPARKMAN] will explain, as well as the reason for having it considered at this time.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1952) to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act.

The PRESIDING OFFICER (Mr. McGovern in the chair). The question is on agreeing to the motion by the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency, with

amendments, on page 3, line 8, after the word "section", to insert "and"; after line 8, to strike out:

(3) by striking out "five thousand" in subsection (1) and inserting in lieu thereof "ten thousand"; and

And, at the beginning of line 11, to strike out "(4)" and insert "(3)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 809 of the National Housing Act is amended—

(1) by striking out "October 1, 1963" in subsection (f) and inserting in lieu thereof "October 1, 1965";

(2) by striking out the first sentence of subsection (g) (1) and inserting in lieu thereof the following: "A mortgage secured by property which is intended to provide housing for a person (1) employed or assigned to duty at or in connection with any research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, or (2) employed at any research or development installation of the Atomic Energy Commission and which is located at or near such installation, may (if the mortgage otherwise meets the requirements of this section) be insured by the Commissioner under the provisions of this section."; and

(3) by striking out clause (B) in subsection (g) (2) (iii) and inserting in lieu thereof the following: "(B) persons employed at or in connection with any research or development installation of the Atomic Energy Commission, as the case may be;".

Sec. 2. Section 810 of the National Housing Act is amended—

(1) by striking out clause (1) of subsection (b) and inserting in lieu thereof the following: "(1) the housing which is covered by the insured mortgage is necessary in the interest of national security in order to provide adequate housing for (A) military personnel and essential civilian personnel serving or employed in connection with any installation of one of the armed services of the United States, or (B) essential personnel employed or assigned to duty at or in connection with any research or development installation of the National Aeronautics and Space Administration or of the Atomic Energy Commission.";

(2) by striking out in the second sentence of subsection (d) "and employees of contractors for the armed services", and inserting in lieu thereof the following: "employees of contractors for the armed services, and persons described in clause (1) (B) of subsection (b) of this section"; and

(3) by striking out "October 1, 1963" in subsection (k) and inserting in lieu thereof "October 1, 1965".

Mr. SPARKMAN. Mr. President, the bill would extend sections 809 and 810, already existing in the Housing Act, which make special provision for home building in areas of research and development of the armed services, the Atomic Energy Commission, and our space effort. It represents a continuation of existing programs, due to expire September 30, and is supported unanimously by the Committee on Banking and Currency.

Mr. President, I ask unanimous consent to have printed in the Record at this point an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the Record, as follows:

EXPLANATION OF S. 1952

1. Extend section 809 of the National Housing Act (sales housing for essential civilian employees of the armed services, NASA and

AEC) for 2 years, from October 1, 1963, to October 1, 1965;

2. Broaden section 809 to cover housing for essential civilian employees of NASA and AEC at any NASA or AEC research and development installation;

3. Extend section 810 of the National Housing Act (primarily rental housing, single-family and multifamily, for military personnel and essential civilian employees of the armed services) for 2 years, from October 1, 1963, to October 1, 1965; and

4. Broaden section 810 to cover housing for essential employees of NASA and AEC.

The establishment of the section 809 program was necessary because in some instances homes built for essential civilian employees of the armed services, NASA, and AEC in communities near or adjacent to research or development installations of these agencies were considered to be above and beyond those needed for the normal economic growth of the communities. In the opinion of the FHA, homes built in excess of the normal growth of the communities do not meet the test of economic soundness required by the statute as a prerequisite of FHA mortgage insurance. Section 809 permits the economic soundness test to be waived in such cases in order that essential civilian employees of these agencies may obtain decent and adequate sales housing.

Similarly, section 810 was established in order to provide decent and adequate sales and rental housing for personnel and civilian employees of the armed services near or adjacent to any military installation where adequate housing did not exist and where the FHA believes that the economic soundness prerequisite of the regular programs could not be met.

Section 809 insofar as NASA and AEC activities are concerned was limited in its application when the law was established. These limitations prohibit the program from being used at newly designated or developed NASA research and development installations or in the case of AEC outside of Los Alamos County, N. Mex. Because of these limitations many essential civilian employees of these agencies are unable to obtain adequate housing. For example, NASA is developing a new research and development installation in Hancock County, Miss. It is anticipated that by 1967, some 2,500 persons will be employed at this site. Communities near or adjacent to the site do not have a sufficient inventory of adequate housing for this influx of population. At present housing constructed in these communities to meet this need would not, in the opinion of the FHA, meet the prerequisite economic soundness test of the regular programs. Thus, in order to overcome this situation, section 809 would be broadened to take care of the housing needs in this area as well as in other areas where similar conditions exist.

FHA section 810 would also be broadened to cover AEC and NASA activities where similar conditions prevail.

Letters to the Chairman of the Banking and Currency Committee from the housing Agency, NASA, and AEC support the provisions of the bill.

NUCLEAR TEST BAN TREATY

Mr. RUSSELL. Mr. President, I send to the desk and ask to have printed and lie on the table an amendment I intend to propose to the resolution of ratification of the test ban agreement. The amendment is in language identical with that which was appended to the resolution of ratification of the Atomic Energy Act. My amendment would make perfectly clear that any future amendments to this treaty must be submitted to the Senate for its advice and

consent, as in the case of the original treaty.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. RUSSELL. I shall speak only about 3 minutes. I thought the Senator had yielded the floor.

Mr. SPARKMAN. I am trying to have the pending bill passed.

Mr. RUSSELL. I have a right to discuss the bill. The Senator cannot cut me off. I have my rights.

Mr. SPARKMAN. I have no desire to do so. I thought the Senator was under the impression that action on the bill had been completed.

Mr. RUSSELL. No. I am speaking in my own right, on my own time.

Mr. SPARKMAN. Very well. The Senator is entitled to do so.

Mr. RUSSELL. Mr. President, the test ban treaty is very unusual in its scope. It is said to be the first step in a program of disarmament. With all the emotions which have been stirred about the pending treaty, we have overlooked the comprehensive nature of the preamble and article II of the treaty, which do not touch the ban on nuclear testing as proposed in article I.

The preamble to the treaty contains the following language, which is about as far reaching and sweeping as the mind of man could devise to describe the objective of the signatory states:

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances—

Then follows the language of the test ban provision found in article I, which has thus far been the sole subject of debate.

Article II is rather unique, in that it stipulates a method of amending the treaty, of carrying the first step on to include the banning of nuclear weapons and indeed of conventional weapons. It reads: "Any party may propose amendments to this treaty."

Mr. President, there are a number of parties to the treaty already. I noticed yesterday in the press that Gabon had signed the pact, making a total of 91 signatories, each of whom would have the same right to offer amendments to the treaty as would the United States.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. What nation was that?

Mr. RUSSELL. Gabon.

Mr. LAUSCHE. How is that spelled?

Mr. RUSSELL. G-a-b-o-n. That is one of the newly emerging states.

I continue to read:

The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this

Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

I think it is perfectly clear that the procedure for amendments of the treaty will provide a forum which will soon capture much more attention throughout the world than the United Nations. In this very brief language we would be establishing a new assembly of nations and a new method of arriving at agreements with respect to the most important question before the human family today, which is the limitation of or prohibition of the explosion of nuclear weapons as well as general disarmament.

Subsection 2 of article II reads:

Any amendment to this treaty must be approved by a majority of the votes of all the parties to this treaty, including the votes of all of the original parties.

That would, of course, give the executive branch of the Government the right to veto, since the United States was one of the three original signatories and would have a right of veto, but it would not protect the right of the legislative branch of the Government to pass on suggested amendments, which could be more far reaching than the original treaty. The language is:

The amendment shall enter into force for all parties upon the deposit of instruments of ratification by a majority of all the parties, including the instruments of ratification of all of the original parties.

Mr. President, this amendment would not affect the terms of the treaty. It would not require any renegotiation with other nations. It would be an amendment to the resolution of ratification, which would make it perfectly clear that the Senate's constitutional duty and right to advise and consent to treaties will not be bypassed by executive agreement or in any other way by the executive branch of the Government.

I do not see how there could be any valid objection to clearing up this matter beyond any peradventure. Many are talking about this being a small step down the road to disarmament. There will be a great many steps of various lengths proposed by 91 nations that have already signed, and others that will sign; and it would not be very difficult to get one-third of the signatories to call a conference and consider all the amendments.

We have done very little to enhance the prestige and power of the Senate and the Congress of the United States in the past several years. Indeed, in many instances we have done things that have contributed to making us subservient to the executive branch of the Government.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HUMPHREY. Earlier, prior to the Senator's submission of this amendment, which I feel has a very worthy purpose, the Senator from Georgia was discussing with me the testimony of the distinguished Secretary of State. The Senator was saying, and I also was saying, that we thought the Secretary of State had made comments on this point.

Mr. RUSSELL. I thought he had, but I have not been able to find them.

Mr. HUMPHREY. I asked the staff director, Dr. Marcy, if he could be of help to us. I am glad to say he was.

On page 13, of the hearings, at the bottom of the page, relating to article II, the Secretary of State made the following statement:

Article II provides a procedure for amending the treaty. Amendments may be proposed by any party and are approved by a majority vote. The majority must include the United States, the United Kingdom, and the U.S.S.R. Amendments do not enter into force until instruments of ratification have been deposited by a majority of the parties, "including the instruments of ratification of all the original parties."

The Senator from Georgia read that part.

Mr. RUSSELL. Yes.

Mr. HUMPHREY. This is the important line:

Thus, no amendment to the treaty can enter into force until it has been considered and approved by the Senate.

That is the testimony of the Secretary of State. I do not see that that obviates the proposal of the Senator from Georgia. I merely wanted it clear that somewhere in the testimony, as I had recollected, the Secretary of State deemed this as the process of ratification, which, in the instance of the United States, includes advice and consent of the Senate.

Mr. RUSSELL. I am glad the Senator located that statement. The committee, in its report, states that the Senate will have a right to consider and pass on amendments that will be coming in from time to time for the next generation or more, if we are to achieve progress in disarmament. But I think we should write it into the resolution of ratification, just as we did in the case of the Atomic Energy Act, which provided for amendment. It was written into the ratification of that statute that any amendments to the atomic energy statute should be submitted to the Senate for ratification.

I think it should be made perfectly clear in this instance that amendments to this treaty would be submitted to the Senate for ratification.

Mr. HUMPHREY. My only contribution at this point is to invite the Senator's attention to the fact that this matter was referred to by the Secretary.

Mr. RUSSELL. I thank the Senator. He had better help than I had. I have been searching for the reference. I did not have the very able help of the staff director for the Committee on Foreign Relations, who is one of the ablest staff men on the Hill.

Mr. HUMPHREY. With which statement I fully concur. I merely followed the example of the chairman of the Armed Services Committee.

Mr. RUSSELL. I was sure the Secretary of State had made the statement, but I could not find it.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. KUCHEL. Yesterday, or the day before, reference was made to a memorandum that had been read into the

RECORD, bearing on the constitutional authority of the Senate to act in that capacity. In the event any Senator has not seen it, I think it would be a good idea to refer to it.

Mr. RUSSELL. The reference to the amendments to the atomic energy statute appears in the memorandum submitted by the distinguished chairman of the Foreign Relations Committee in undertaking to explain the very complex procedure which must be followed when opposition develops to a treaty. I had been concerned about amendments to the treaty, but when I found that precedent in the memorandum submitted by the Senator from Arkansas, it cleared the matter in my own mind as to the approach which might properly be followed.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Alabama.

Mr. SPARKMAN. As appears on page 63 of the hearings, Secretary Rusk also had this to say:

Certainly any arrangement for amendment to this treaty would be a treaty submitted to the Senate. It is our plan in the disarmament field and the general disarmament field that to move forward on that by way of treaty where that would be the appropriate means of doing so.

Mr. RUSSELL. The resolution of ratification has not yet been submitted. I express the hope that the Senator from Arkansas would include this provision in the resolution when he submits it to the Senate. It could not do any harm.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. First, with regard to the precedent in the Atomic Energy Act, in that case, two-thirds of the member States could ratify an amendment, and it did not require the approval of this country by instrument of ratification. The only way this country could, in effect, veto an amendment, would be to withdraw from the treaty. There was a valid reason for inserting that understanding in the Atomic Energy Act, because we did not want to be faced with the alternative of either accepting amendments to the statute or, if we did not like them, withdrawing from the agency; whereas in the instance of this treaty, the words which have been inserted in article 2 are, "including the instruments of ratification of all the original parties." These instruments must be obtained in addition to a two-thirds vote in order to amend the treaty before the Senate.

I ask the Senator what the instrument of ratification would be if it would not be the instrument which had been approved by the Senate?

Mr. RUSSELL. Hundreds of executive agreements with other nations have been ratified by the Executive. I do not think the word "ratification" appears in the Constitution of the United States. I have no recollection of having seen it there, though I have not checked it in this instance. The executive branch might well say that the President had signed an executive agreement. When

the Executive signs it, does he not ratify it?

Mr. FULBRIGHT. No. The way this is written—

Mr. RUSSELL. I am talking about the Constitution. I do not recall that the word "ratify" appears in the Constitution. The language is "advise and consent." That is a process of ratification. But when the President signs an executive agreement, he ratifies that agreement. This proposal is an amendment to a treaty. It does not provide for a new treaty. It provides that the treaty may be amended. This is of much greater importance than the atomic energy statute, which required two-thirds of those voting to approve the statute, but in this case a majority can amend the treaty in any area of disarmament so long as the majority includes the original parties.

Mr. FULBRIGHT. Which includes ourselves.

Mr. RUSSELL. That is the executive branch. That is action by the executive branch. I am undertaking—and I realize it is almost a forlorn hope, because some Senators have lost interest—to protect the rights of the Senate of the United States.

Mr. FULBRIGHT. I do not know why the Senator from Georgia should say that all Senators have lost interest in the Senate. I have not lost interest in the Senate. If he says that, perhaps he is speaking for himself. He has that right.

Mr. RUSSELL. I thank the Senator.

Mr. FULBRIGHT. I do not know why he should say that all Senators have lost interest in the Senate.

Mr. RUSSELL. I did not say that. I did not say all Senators. I said some Senators. I stand on that statement.

Mr. FULBRIGHT. Was the Senator referring to me?

Mr. RUSSELL. Not specifically. If the Senator wishes to crawl under that mantle, he may do so. The Senate rules prohibit me from referring to the Senator directly by name in that regard. However, there is no rule of the Senate which prohibits the Senator from assuming that role.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. So far as my knowledge is concerned, an executive agreement is not considered an amendment to a treaty, but is a separate instrument. However, I consulted the Secretary of State 2 days ago about this possibility, and, with the Senator's permission, I should like to read the reply of the Secretary of State.

Mr. RUSSELL. I would be happy to have the Senator do so.

Mr. MANSFIELD. The letter reads as follows:

THE SECRETARY OF STATE,
Washington, D.C., September 12, 1963.
Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: In response to your inquiry, I am glad to explain how the ratifying procedure for amendments to the test ban treaty would operate.

Paragraph 2 of article II of the treaty provides that an amendment "shall enter into force for all parties upon the deposit

of instruments of ratification by a majority of all the parties, including the instruments of ratification of all of the original parties." The United States is an "original party" by the force of the preamble and article II, paragraph 2. Thus, no amendment to the treaty can enter into force unless and until the United States has deposited an instrument of ratification.

The Constitution of the United States, in article II, section 2, requires that the Senate, by a vote of two-thirds of the Senators present, shall "advise and consent" to the making of all treaties. An "instrument of ratification" of an amendment to this treaty could not be executed by the President unless the Senate had given its advice and consent in accordance with article II, section 2, of the Constitution. Therefore, an amendment to the test ban treaty could enter into force only if the Senate consented to the amendment by a vote of two-thirds of the Senators present.

As you will recall, I stated in my testimony before the Senate Foreign Relations Committee that "no amendment to the treaty can enter into force until it has been considered and approved by the Senate." The message from the President transmitting the test ban treaty also states that it cannot be amended without the consent of the Senate.

Sincerely yours,

DEAN RUSK.

Mr. RUSSELL. That is a very able letter. It elaborates on what the distinguished Senator from Minnesota [Mr. HUMPHREY] read from the Secretary's testimony. I do not doubt that that is the present view of the Secretary of State, and that he will hold to that view.

We do not usually legislate on a matter of this vital importance, a matter that refers to a permanent treaty, in connection with which the Senate will be confronted with amendments from year to year, from angle to angle, in finding new approaches to disarmament. It is too important to entrust the interpretation to any one man. The Senate can put its own interpretation on this subject, and it should give careful consideration to the proposal.

My amendment does not interfere with the treaty. It does not delay it. It does not have to go back to any of the signatories. This is an amendment proposed to the resolution of ratification, a domestic assertion, of the right of the Senate to advise and consent to any amendment to the treaty. It cannot possibly hurt in any way if Secretary Rusk intends to pursue the course he outlines in his letter, which the Senator from Montana has read, but it would help if he should pass from the scene and another man should become Secretary of State and if he felt that the signature of the President of the United States was sufficient ratification of an agreement to reduce armaments and vitally affect the security of the country.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MORTON. What the Senator is proposing does not mean that it would have to go back to any other country, as I understand.

Mr. RUSSELL. No; of course not.

Mr. MORTON. It is not a reservation.

Mr. RUSSELL. No; it is not a reservation.

1963

CONGRESSIONAL RECORD — SENATE

15971

Mr. MORTON. All that the Senator from Georgia is trying to do is to have the Senate affirm what the Secretary of State and other spokesmen of the administration, and others who are in favor of the treaty, have said we mean.

Mr. RUSSELL. Yes.

Mr. MORTON. The Senator wants the Senate to settle this question, so that there cannot possibly be any doubt about it. Is that correct?

Mr. RUSSELL. So that there cannot be any doubt about it, today or tomorrow, or after all who are assembled here have passed from the scene. This is a permanent treaty. In my opinion, the operations under the procedures prescribed in the treaty will soon practically supplant the United Nations, because it gives the various parties so much more power for a direct approach to amendment by calling a meeting and by approving it by majority vote if they can get the three original signatories.

Mr. MORTON. How could this in any way embarrass the 93 or so countries which have signed the treaty?

Mr. RUSSELL. It could not in any way embarrass any other nation. It is not a reflection on any of them. It is not a reflection on the President or on the Secretary of State. It is merely a statement by the Senate: "We wish to remind you that we have the right to have these agreements submitted to us for advice and consent." Senators have called this treaty the first short step. The next step will be much farther in the field of disarmament. The treaty not only looks to nuclear disarmament, but also disarmament in conventional weapons. In my opinion, the Senate would be derelict if it did not make clear its position and assert its right in this respect.

Mr. MORTON. Is it not also our approval of the interpretation of the administration—our stamp of approval on it?

Mr. RUSSELL. I thank the Senator for the suggestion. It puts the stamp of approval of the Senate of the United States upon the interpretation of the Secretary of State.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Of course none of us could imagine any Senator being at variance in his views in the interpretation of the right of the Senate to be called on, under its constitutional responsibility, to advise and consent, on a two-thirds basis, to any amendment offered to any treaty to which we are a party. The question I am raising—and it may be a technical one—is this: Would not the Senator think that, instead of being considered as an amendment, this proposal should perhaps be considered an understanding, as I believe it was at the time the International Atomic Energy Agency Act was passed?

Mr. RUSSELL. I copied the language in the International Atomic Energy Act verbatim. It is identically the same language as that which appears in the atomic energy statute. It has been approved by the Senate. I followed it to the letter and to the last comma.

Mr. MANSFIELD. Is not the word "understanding" used there?

Mr. RUSSELL. It is in there, as well as the other language.

Mr. MANSFIELD. I thank the Senator.

EXTENSION AND BROADENING OF AUTHORITY TO INSURE MORTGAGES UNDER THE NATIONAL HOUSING ACT

The Senate resumed the consideration of the bill (S. 1952) to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act.

Mr. SPARKMAN. Mr. President, may we have action on the committee amendments?

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. SALTONSTALL. Do I correctly understand the purpose of the bill to be that employees of the National Aeronautics and Space Administration may be put in the same position for purposes of insuring mortgages as is the case now with members of the armed services?

Mr. SPARKMAN. Yes; in the area of research and development. The same is true of the Atomic Energy Commission.

Mr. SALTONSTALL. The bill would extend the act for 2 years. Is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. SALTONSTALL. It includes not only military personnel but also space and atomic energy personnel.

Mr. SPARKMAN. Yes.

Mr. SALTONSTALL. That is because the people have to live in out-of-the-way places where they cannot ordinarily obtain housing. Is that correct?

Mr. SPARKMAN. Where there are obstacles to getting adequate housing.

Mr. SALTONSTALL. That is the only purpose of the bill.

Mr. SPARKMAN. Yes.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE NUCLEAR TEST BAN TREATY

As in executive session,

Mr. CARLSON. Mr. President, in view of the discussion which has been held on the proposed understanding or amendment of the distinguished Senator from Georgia [Mr. RUSSELL], and which

he has submitted for consideration, or to lie on the table, I should like to refer to page 63 of the hearings, and to read one or two sentences, because I believe this is important to the subject under discussion.

In response to a question asked by the distinguished senior Senator from South Dakota [Mr. MUNDT], Secretary Rusk replied:

Senator, I would not wish to give a comprehensive commitment that any kind of agreement or understanding with the Soviet Union would necessarily take the form of a treaty. We do expect, and we certainly follow the practice of consulting with the Foreign Relations Committee and the Foreign Affairs Committee and other appropriate committees on any important developments.

Certainly any arrangement for amendment to this treaty would be a treaty submitted to the Senate. It is our plan in the disarmament field and the general disarmament field to move forward on that by way of treaty where that would be the appropriate means of doing so.

But I would not think it would be wise to say that any subject we take up with the Soviet Union should take the form of a treaty.

I thought that statement should be a part of the Record, in view of the discussion that has just taken place.

Mr. RUSSELL. I thank the Senator from Kansas.

Mr. FULBRIGHT. Mr. President, on this subject, I wish to ask the Senator from Georgia a question.

I have only one or two questions to ask, and I believe the Senator from Georgia desires to leave the Chamber.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCLUSION OF LABOR UNIONS WITHIN PURVIEW OF PUBLIC ACCOMMODATIONS BILL

Mr. LAUSCHE. Mr. President, the members of the Committee on Commerce today adopted, by a vote of 9 to 6, an amendment to the public accommodations bill, bringing labor unions within its purview.

If this decision is allowed to stand and finally becomes law, it will be a great step forward in utilizing the skills of minority groups in industry and especially in the construction field, where craftsmen are hired.

The amendment, in effect, states that no person shall be denied membership in a labor organization because of his race, color, religion, or national origin.

The bill as pending covered the whole gamut of operation in which services, accommodations, facilities, goods, food, and entertainment are either sold or served. It did not cover labor unions.

I deeply hope that the decision made today through the adoption of this amendment will not be changed hereafter.

15972

CONGRESSIONAL RECORD — SENATE

September 12

THE CALUMET SKYWAY BRIDGE IN THE INTERSTATE HIGHWAY SYSTEM

Mr. LAUSCHE. Mr. President, yesterday I called the attention of the Senate to efforts that are being made to induce the U.S. Government to pick up the tab for the payment of a \$63 million indebtedness of the Calumet Skyway and Bridge Commission, the indebtedness having been incurred in the building of a toll bridge in Chicago. The toll bridge has become a failure. The interest payment due has not been made.

Someone conceived the clever idea of asking the U.S. Government to pick up the tab. In the House, initial action has been taken by a committee which has recommended that the United States declare the Calumet Skyway and Bridge to be a part of the Interstate Highway System, and pay off the \$63 million debt.

There are many other toll roads. West Virginia has one that has failed. Ohio has one that has succeeded. Kansas, Pennsylvania, Indiana, Illinois, Oklahoma, and other States have toll roads.

If the Federal Government pays off the Calumet Skyway and Bridge indebtedness, why should not the U.S. Government pay off the indebtedness of every other similar project in the country?

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Chicago Daily Calumet of July 30, 1963, and an article which was published in the same newspaper on August 17, 1963.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Calumet, July 30, 1963]

SKYWAY'S FLOP PREDICTED BY ALDERMAN BOHLING IN 1954

Alderman Nicholas J. Bohling (seventh) has joined the city officials supporting purchase of the Chicago Skyway by the Federal Government.

In 1954, Bohling opposed construction of the skyway as uneeded—and doomed it to financial failure. His original stand now dramatically justified, the alderman now says that the only solution to the skyway's financial problem is sale to the Federal Government.

"The whole thing has been a big flop," Bohling said. "It's just a matter of time before the Federal Government has to buy it. And it might as well be now as later."

Bohling said the surveys presented in 1954 did not adequately show need for the huge toll bridge, but the city went through with the plan anyway.

Skyway manager Jim McDonough said there was a definite and very great need for the skyway in 1954, but agrees with Bohling that the only solution to present problems is Federal purchase.

McDonough predicted that commuter traffic on the road would increase substantially if the Federal Government buys the skyway for use as a freeway.

Referring to the Chicago area transportation study report last year, McDonough said total usage would probably double in 10 years if tolls were discontinued. During the past year, skyway traffic has averaged about 20,000 vehicles per day.

McDonough said the bridge is capable of handling 60,000 vehicles a day under the toll

setup, but would be able to handle nearly 100,000 per day if toll gates were removed in conversion to a freeway.

Whatever the case, the skyway will not be used near full capacity in the foreseeable future as are the Dan Ryan, Congress, and Northwest Expressways.

At the time of construction, it was thought that 40,000 vehicles would use the bridge each day. The present financial setup was organized on this basis, and bonds were sold. But traffic on the skyway has never approached this for the daily average at the end of a year.

Opened in 1958, toll collections on the skyway have never been sufficient to pay the interest on the \$100,700,000 in bonds sold to finance its construction. The city is in default of the bond interest due July 1 and foreclosure is a possibility.

Nevertheless, McDonough said the skyway is a very important traffic artery. "It was built to relieve the congestion caused by cars coming off the Indiana toll road at Indianapolis Boulevard and has done well in doing so," he said.

"The city was forced to build the skyway because there was no interstate highway act at that time and something had to be done to relieve the traffic," he said. "A toll bridge was the only answer at the time."

McDonough said construction of the Dan Ray Expressway and Interstate 54 under the Federal Highway Act substantially hurt the skyway and the Indiana toll road because it allowed for construction of freeways generally parallel to the toll systems. He said 65 to 70 percent of skyway traffic comes from the Indiana toll road.

If the bridge is eventually turned into a freeway, McDonough said it would clear the way for construction of at least two additional ramps.

He said ramps built at 79th and Stony Island and 87th and Anthony would allow vehicles to travel north from these points to the Dan Ryan Expressway connection at 67th Street.

These ramps were not originally included in the skyway because the 1953 Municipal Toll Bridge Act enacted by the Illinois General Assembly allowed toll charges—in cities—only on bridges over water.

Thus, tolls paid on the skyway are for crossing the Calumet River. Since no water would be crossed by vehicles going north from 87th or 79th Streets on the skyway, no ramps could be included.

[From the Chicago Daily Calumet, Aug. 17, 1963]

CLAIM SKYWAY A FLOP BEFORE OPENING—REALTOR ASKS HOW ENGINEERS MADE ESTIMATES

Begun in 1954, the Chicago Skyway toll bridge has never produced the revenue predicted for it. Default on interest payments due July 1 has passed control of the structure from the city to holders of \$101 million in revenue bonds issued to finance construction.

The following article, predicting financial failure for the skyway, appeared in the November 1957 edition of the Survey, a monthly newsletter published by the Charles Ringier Co. It was written by Morgan L. Fitch, prominent area realtor and board chairman of the Ringier Co.

"As the last beams swing into place on the 125-foot-high Calumet Skyway river bridge and workers swarm the streets building approach ramps, South Chicago citizens who are to help pay for the \$101 million-plus bridge are speculating about the amount of money needed to pay off the elevated highway. (Which will, incidentally, cost more than the recently opened Mackinac Bridge although the big Michigan bridge is about 3 miles longer in length.)

"INVESTORS WERE CURIOUS

"Investors in skyway bonds are also curious. They are interested in knowing the answers to three questions:

"1. Will traffic on the elevated roadway provide sufficient revenue to pay operation costs, interest, and bond retirement?

"2. Are maintenance and operating expenses correctly computed for the 36-year period during which the bonds are to be paid off?

"3. Will the Northern Illinois Toll Highway eventually link up with the Indiana Toll Road and, if so, will this connection decrease skyward traffic and revenue?

"When complete, the 7½-mile elevated road will carry cars and trucks between the Indiana Toll Road terminus in southeast Chicago and 63d and State Streets. Eastern engineers, who set up probable traffic loads, see 16,959,000 vehicles on the skyway in 1960, probably the first year of full-fledged operation.

"THIRTY CARS PER MINUTE

"On the basis of a passenger car charge of 25 cents and an average toll of 32 cents per vehicle, this amounts to 43,723 cars per day, 30 cars per minute, or 1 every 2 seconds, day and night, 7 days a week, providing better than \$5 million in revenue that year.

"Thus to pay its way, according to present calculations, the skyway must generate in 1960 traffic more than two-thirds the current volume of the Congress Street Expressway and a little less than half of today's flow on Lake Shore Drive, one of the world's heaviest traveled roadways. The skyway vehicular load is due to increase by 1987 to 27 million cars per year, according to the traffic engineers.

"During the 30 years while traffic is to nearly double in volume, maintenance and administrative expenses, according to the planners, are to remain absolutely static. Every item of the \$135,000 in administrative costs for 1958, including salaries, is exactly duplicated in 1987, a generation later.

"Every item of maintenance, amounting to \$187,000 is unchanged for 30 years. Operating costs vary only in the addition of 30 toll collectors—but their \$4,200 annual salary is to be the same in 1987 as in 1958.

"NEEDED SECOND BOND ISSUE

"The \$10,000 annual fee for the consulting engineers is unchanged from 1958 to 1987 although this is presumably to be the firm which saw increases of as much as 497 percent in some construction costs and an overall increase of 37 percent in their cost estimates during 2 years of preliminary surveys, an increase which forced a second bond issue to cover \$13 million in added skyway charges.

"While the prospectus for the skyway bonds and that for Northern Illinois Toll Highway bonds avoid showing any connection with the Indiana Toll Road, it seems unreasonable to expect the tri-state highway to be built without some link to toll roads running to New York City.

"Just in case, the literature for the skyway carries a denial from Indiana that such a connection is planned, and the engineers have provided a statement that such a road will probably not be completed until the skyway has been open a number of years and the advantages of the skyway route well established.

"Bond buyers can only hope that the engineers' estimates as to traffic, revenues, and operating expense are more accurate than their computations of construction cost, that there will be a car every 2 seconds to pay off the 7-mile bridge from revenue."

Mr. LAUSCHE. Mr. President, these articles point out that examination of the fiscal feasibility reports made in 1954 shows something was wrong with the

that selection of employees for training, career development, or promotion, be made in all agencies strictly on merit considerations—a requirement we are supporting through the Civil Service Commission's regular agency inspections, rather than waiting for employees to come to us with complaints.

In some quarters the charge has been made that this emphasis on equal opportunity damages the merit system and gives preference to this or that special group. This is a serious accusation. It deserves a serious answer.

We are in no sense violating the merit system. No one is appointed to a civil service position who is not qualified for that position.

The truth is that the actions we are taking, such as those I have enumerated, are taken not to weaken the merit system, but to perfect it.

The perfecting of the merit system is necessary to assure that America's future draws upon the talents of all the American people. We must see that the moral obligation of equality of opportunity is fully reflected in employment in the public interest.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of executive business.

The motion was agreed to; and the Senate resumed the consideration of executive business.

THE NUCLEAR TEST BAN TREATY

The Senate, as in Committee of the Whole, resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

The PRESIDING OFFICER. Article I is open to amendment.

Mr. FULBRIGHT. On the question of the constitutional right of the Senate in regard to treaties, let me say I do not believe I understood the Senator from Georgia [Mr. RUSSELL] to assert that in the absence of the provision he is proposing, an amendment to the treaty would not require approval by the Senate. I thought that had always been understood, and there was no question about it.

Does the Senator from Georgia believe this right of the Senate is not derived from the Constitution itself?

Mr. RUSSELL. Of course I believe it is derived from the Constitution itself; but I know of no way in which we could assert that right if the President of the United States were to undertake to ratify, as an executive agreement, an amendment to the treaty. Of course I have no fear that President Kennedy will take any such action as that; but this is to be a permanent treaty, and its permanence and its projection into the future are stressed. I know of no way by which the Senate could assert its constitutional right to advise and consent if a President were to use such an executive agreement. Senators might go to the House and lobby with the Members of the House and try to get them to institute a resolution of impeachment, but that would be a very farfetched procedure. Such a resolution could not be instituted in the Senate.

What harm could such a provision do?

Mr. FULBRIGHT. But the necessity for Senate approval of an amendment to the treaty comes from the Constitution. However, if we accept the proposal of the Senator from Georgia—particularly when the treaty reads as it does in section 2—I see no way to escape the necessity of doing that in every case; and the Senator from Georgia would thereby establish a precedent for maintaining that the right of the Senate to approve an amendment to a treaty comes, not from the Constitution, but from a provision which we would insert in each subsequent treaty.

I believe the action the Senator from Georgia proposes would not be strengthening the Constitution, but, instead, would be a derogation from the Constitution and from the existing right of the Senate. I believe that by the adoption of such a precedent, we would be saying, in effect, that the Senate does not have any such constitutional right, and that therefore we believe we should include such a provision in the form of a reservation. That is the way the situation appears to me. In my opinion, such a provision would only state the obvious.

So I hope that Senators will consider carefully the precedent which would thus be established.

In the precedents to which reference has been made, there was no necessity for the submission of a resolution of ratification to be filed or even for assent by the Senate. But this provision would require that we include in the treaty an amendment similar in effect to the amendment which was adopted in connection with the International Atomic Energy Agency. In other words, we already have in this treaty a provision similar to the amendment the Senator from Georgia uses as a precedent, which was put into the other treaty. That was perfectly proper in that case, because in it there was no way for the Senate to veto or to advise and consent. But that is not the case with this treaty. Any amendment to this treaty would have to be dealt with under the constitutional provision. The Senator from Georgia says we have no way to enforce it, but that is simply to say that the President is not going to do his duty. As a matter of fact, the President, being the Commander in Chief, will be obeyed by the Armed Forces; and in that respect we have to assume that every President will discharge his constitutional duties. A President could thus stop all tests; and if he did, there would be nothing the Senate could do about it. A President could violate many provisions of law; but if he did, the Senate could not take forcible action about his action. However, normally we do not have to proceed in that way.

I do believe, however—and I ask the Senator from Georgia to consider this point seriously—that a provision of this sort would be in derogation of a constitutional right which already exists under the Constitution.

Mr. RUSSELL. Mr. President, I did not expect the distinguished Senator from Arkansas to embrace this suggestion. It is very difficult for parents to find much wrong with their children;

and generally it is true that Members of the Senate strongly oppose any change—even in the dotting of an "i" or the crossing of a "t"—in any legislation which they may propose. However, I hope that after further reflection, the Senator from Arkansas will come forward with a more substantial argument.

He says because the veto power is retained by the treaty in the Executive, the Senate does not need to insist on its right to advise and consent. I do not say the Senate does not have a right to advise and consent. I am asserting the right of the Senate to advise and consent to all amendments to the treaty. I do not believe it at all relevant to assert that in this instance we have the veto power, because the Senator from Arkansas knows that power is lodged solely in the executive branch. The Senate has no right to veto an amendment which might subsequently be proposed.

The President or his representative at this conference—not the Senate—would have that right. So the Senate would not have a right to veto any such amendment, except after its representatives at the conference approved it, and when it was then submitted to the Senate, for its advice and consent.

The Senate has no representative at the conference to consider an amendment, but the President does have a representative there to consider it. He might approve it. So we should, of course, make certain that the provision will be submitted to the Senate, and that the Senate will have a right, under its constitutional obligation and responsibility, to advise and consent to the amendment.

I do not believe the veto power, which is vested in the executive branch of the Government, has the slightest relationship to the constitutional power of the Senate to advise and consent.

Mr. FULBRIGHT. It requires the filing and deposit of an instrument of ratification, for Senate approval, in connection with a treaty.

All I am saying is that this right inheres in the Senate by means of the Constitution, not because of any statement a Senator might propose for inclusion. So I think our reliance on such a provision would certainly place us in a weaker position than our position when we rely on the Constitution. Such a statement by the Senate could not be stronger than the Constitution. The Constitution already contains a provision relating to that point. So in doing what the Senator has suggested, we would raise doubt as to whether the Constitution does so provide.

Mr. President, for the information of the Senate I ask unanimous consent to have printed in the RECORD at this point an excerpt from the report of the Committee on Foreign Relations on Executive I, 85th Congress, 1st session, on the statute of the International Atomic Energy Agency—Executive Report No. 3, 85th Congress, 1st session—appearing on pages 15 to 17, under the heading, "Committee Understanding and the Problems of U.S. Withdrawal." I do not wish to read that section now. It is too late. But I wish to have it in the RECORD for the information of the Senate be-

cause it bears upon the amendment which the Senator has submitted and which he cites as a precedent.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

12. THE COMMITTEE UNDERSTANDING AND THE PROBLEM OF UNITED STATES WITHDRAWAL

By virtue of article XVIII C, as already mentioned in this report, amendments to the statute which have been accepted by two-thirds of the member states in accordance with their constitutional processes, come into force for all members, even those who fail to ratify such amendments. On the other hand, should a member be unwilling to accept a proposed amendment, it may withdraw from the Agency by appropriate notice in writing. Should such member fail to exercise this right to withdraw and remain in the Agency, it would be bound in exactly the same way as if it had approved the amendment.

Inherent in the statute, therefore, is the possibility that the United States may be bound by a provision which the Senate rejects unless affirmative action is taken by the executive branch, through withdrawal, to protect the national interest. A similar result conceivably could follow with respect to a provision which the draftsmen of the statute might have intentionally omitted because of the apprehension that such a provision would have rendered the treaty unacceptable to the Senate at the outset. In short, the hazard of the amendment procedure in article XVIII as viewed by some of the members of the committee, lies in a potential difference of views concerning the acceptability of a given amendment as between the Senate and the executive branch. Should the Senate reject an amendment which the executive branch did not consider sufficiently repugnant to warrant withdrawal, the net effect would be a flouting of the constitutional requirement that the advice and consent of two-thirds of the Senate be obtained before an affirmative treaty commitment might be imposed on the United States.

This feature of the amendment procedure received a most penetrating examination in the committee. The dilemma presented by article XVIII, of course, arises from the relative authority of the President and the Senate in the treaty process, and the consideration that denunciation of a treaty is an executive act, even though termination be effected pursuant to congressional resolution. (Cf. Hackworth, *Digest of International Law*, pp. 330-331.)

Testimony furnished by administration witnesses tended to minimize the risks which the amendatory procedure of article XVIII might create for the United States. Since, according to that testimony, the new Agency will remain dependent upon the United States for survival for a long while to come, the likelihood of any amendment being adopted against the determined opposition of the United States is extremely remote. In the words of Secretary of State Dulles:

"In view of the preponderant role which the United States will play, and I have testified that in my opinion it could not get started without the United States, I am equally prepared to testify that for the foreseeable future it could not continue without the United States. We, in effect, have control over the amendments in that if there was an amendment which the Senate did not approve, we would then withdraw.

"Anything less than that . . . would mean that any member country would have a veto power over amendments which in the course of time might be found to be desirable by the United States and other important countries. Rather than give any one of 80 nations a complete veto power over

what we might want to see done . . . it seemed preferable to set it up so that if a qualified majority wanted the amendment, it would be effective, but if we did not like it, we would get out, and thereby have in effect a practical veto power over amendments."

Administration testimony further emphasized that in the unlikely event that any amendment is adopted which would place the national interest of the United States in jeopardy, there is no question but that Congress and the President would move swiftly to withdraw from the Agency. Any conflicts in viewpoint which might develop between the two branches of our Government over future amendments, it was urged, are more likely to relate to points which, though rejected by the Senate for whatever reason, are not such as to outweigh the disadvantages of being outside the Agency.

To assure the Senate what the policy and intention of the administration would be under article XVIII, Secretary Dulles, as noted earlier in this report, informed the committee that in the event of an amendment rejected by the Senate, the President would and should withdraw, if a majority of the Congress took the position that the amendment rendered continued American participation in the Agency contrary to the best interests of this country.

The committee is not impervious to the force of these considerations. It recognizes that, as a practical reality, any prejudice to the national interest which might arise from the operation of article XVIII would doubtless be effaced in any future contingency by the privilege of withdrawal from the Agency, exercised by the executive branch with the support of the Congress.

Nevertheless, the committee is not persuaded that the withdrawal procedure is sufficient to cure what it regards as a potential hazard for the constitutional division of responsibility between the Senate and the Chief Executive in the treaty process. For the statute creates a legal possibility that this Nation might find itself bound by a treaty obligation which had failed upon submission to the Senate. The suggestion that executive action pursuant to a majority vote of the Congress would afford adequate assurance of a protective withdrawal is no answer to this possibility. Such an abrogation of its constitutional duty by the Senate, through a kind of advance acquiescence in amendments to the statute unless disapproved by congressional resolution, is not countenanced by the fundamental safeguards of article II, section 2, of the Constitution, which requires a two-thirds vote of the Senate for treaties to be approved.

To the committee it appears essential that no uncertainty be permitted to subsist as to whether the United States, through continued participation in the Agency, would be obligated by some future amendment which the Senate saw fit to reject. For these reasons, in reporting the statute to the Senate, the committee recommends that the Senate's advice and consent to ratification be made subject to an interpretation and understanding to be made a part and condition of ratification. The resolution of advice and consent would thus read as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive I, 85th Congress, 1st session . . . subject to the interpretation and understanding, which is hereby made a part and condition of the resolution of ratification, that (1) any amendment to the Statute shall be submitted to the Senate for its advice and consent, as in the case of the Statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the Statute being adopted to which the Senate by a formal vote shall refuse its advice and consent."

The language of this resolution will thus

insure an automatic termination of U.S. membership should two-thirds of the Agency's members approve an amendment which is rejected by the Senate in the exercise of its prerogatives under article II, section 2, of the Constitution.

The committee desires at this time to record its concern with the practice, infrequent as it may be, of including in treaties a provision which has the effect of inhibiting the Senate from attaching reservations deemed necessary in the national interest or of preventing the Senate from exercising its constitutional duty to give its advice and consent to all treaty commitments before they can in any way have a binding effect on the United States. Whatever justifications may have existed for inclusion of such a prohibition in the Universal Copyright Convention of 1952 (Ex. M, 83d Cong., 1st sess., art. XX) in view of the peculiar circumstances then present, the Senate's approval of that treaty should not be construed as a precedent for such clauses in future agreements with other nations requiring the Senate's advice and consent.

Mr. RUSSELL. I am glad that the Senator has asked to have that section printed in the RECORD.

Mr. FULBRIGHT. It will be in the RECORD for every Senator to read.

Mr. FULBRIGHT subsequently said: Mr. President, I ask unanimous consent to have printed at the appropriate place in the RECORD a letter from the Secretary of State concerning the proposal submitted by the senior Senator from Georgia [Mr. RUSSELL].

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

Hon. J. W. FULBRIGHT,
Chairman, Foreign Relations Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: You have asked for the views of the executive branch on a proposal to amend the Senate resolution consenting to ratification of the test ban treaty to include an understanding that the Senate must consent to any amendment to the treaty.

The executive branch believes that this understanding is unnecessary and that it would not be in the interests of the United States to include it in a Senate resolution consenting to ratification of the treaty.

If the treaty were ambiguous as to the participation of the Senate in the amending process, and understanding could be desirable. However, there is no ambiguity. This very matter was dealt with by the President today in his press conference. He said: "I can give a categorical assurance that the treaty cannot be amended without the agreement of the three basic signatories. The treaty cannot be changed in any way by the three basic signatories and the others, without the consent of the Senate. Any proposal to change the treaty would be submitted to the usual ratification procedure, followed by or prescribed by the Constitution. In addition, there would be no executive action, which would permit us to in any way limit or circumscribe the basic understandings of the treaty. This is a commitment which is made by the Executive and by the Senate, operating under one of the most important provisions of the Constitution, and no President of the United States would seek to, even if he could—and I strongly doubt that he could, by stretching the law to the furthest—seek in any way to break the bond and the understanding which exists between the Senate and the Executive and, in a very deep sense, the American people, in this issue."

In my testimony before the Senate Foreign Relations Committee, I stated that "no amendment to the treaty can enter into force

until it has been considered and approved by the Senate." The treaty requires that "instruments of ratification" of the original parties be deposited before any amendment can go into effect. Under the Constitution, the President cannot execute an instrument of ratification without first obtaining the advice and consent of the Senate under article II, section 2, of the Constitution. In my letter of September 12 to Senator MANSFIELD, I pointed out how this language of the treaty, as well as the Constitutional provision, expressly requires the consent of the Senate to any treaty amendment.

As you pointed out, the Senate resolution consenting to ratification of the statute of International Atomic Energy Agency contained an understanding with respect to the consent of the Senate in the amending process. But the cases are not parallel. Unlike the test ban treaty, which expressly provides that no amendment can become effective until it has been ratified by all three original parties—the United States, the United Kingdom and the Soviet Union—the IAEA statute permitted amendment by a two-thirds vote of all members of the Agency. Thus, amendments could have become effective without the concurrence of the United States. The statute also provided that any member unwilling to accept an amendment could withdraw from the Agency.

The Senate was concerned that the statute might be amended without its consent and the Executive might not withdraw from the Agency, leaving the United States committed to a treaty which the Senate might not have been willing to approve. (See Senate Ex. Rept. No. 3, 85th Cong., 1st sess., pp. 15-17.) In this context, the Senate approved the statute, "subject to the interpretation and understanding, which is hereby made a part and condition of the resolution of ratification, that (1) any amendment to the statute shall be submitted to the Senate for its advice and consent, as in the case of the statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the statute being adopted to which the Senate by a formal vote shall refuse its advice and consent."

The qualification in the resolution consenting to ratification of the statute of the IAEA had a real purpose, which would not be served by a similar understanding in the present case. On the contrary, since an understanding implies that the provisions of the treaty were previously unclear, the adoption of such a proposal with respect to the test ban treaty would tend to cast doubt on the prerogatives of the Senate under the Constitution.

For these reasons, it is the position of the executive branch that the interests of the United States would best be served by ratification of the proposed test ban treaty without the understanding referred to in your inquiry.

Sincerely,

DEAN RUSK,

Mr. GORE. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I shall. But I wish to point out to the Senator that the Senate will need more study and more reflection before it resolves what to do in this instance. I have been waiting for a long time to make my speech. Of course, I yield.

Mr. GORE. I wish to propound an interrogation to the junior Senator from Arkansas. Would not an amendment to the treaty be, in fact, a new treaty?

Mr. FULBRIGHT. It would. For all practical legal purposes it would. I do not believe that a treaty could be amend-

ed except by following the same procedures which the treaty itself must follow.

Mr. GORE. The Senator has said, "For all practical and legal purposes." Without any qualification, is not an amendment to a treaty a treaty ab initio?

Mr. FULBRIGHT. It is. I apologize for that slip of the tongue. It would be a new treaty. It must follow the same procedure, in my opinion.

Mr. GORE. To assert by legislative amendment or resolution the right of the Senate to ratify an amendment to the treaty, or to advise and consent—two-thirds of the Senate concurring, if we wish to be specific—is but to restate what is already in the Constitution. In no possible way could a resolution of the Senate strengthen those provisions.

Mr. FULBRIGHT. I agree with the Senator. By implication, by agreeing to such an amendment, the Senate would raise an inference that such is not the fact.

Mr. GORE. Does not the Senator recall that former President Eisenhower suspended nuclear weapons tests without the obligation of a treaty?

Mr. FULBRIGHT. The Senator is correct.

Mr. GORE. The Senator has said that any President, by his executive action, could do so.

Mr. FULBRIGHT. The Senator is correct.

Mr. GORE. If a President wished to enter into an executive agreement, no provision in the Constitution would forbid him from doing so. But an executive agreement could not be an amendment to a treaty because, as the Senator has said, an amendment to a treaty is a treaty in and of itself, and must therefore be subjected to the constitutional procedures.

Mr. FULBRIGHT. And since the Constitution is the supreme law of the land, such an amendment would become a treaty under the Constitution.

Mr. GORE. If this reservation or amendment is to be accepted and adopted by the Senate, what argument is there against many other resolutions of the same type?

Mr. FULBRIGHT. There is none.

All sorts of things could be included. In my view, such a provision would be unnecessary.

Mr. President, I have just been informed that Mr. Charles Bevans, treaty adviser of the Department of State, has informed the Committee on Foreign Relations, as follows:

The U.S. Government has never deposited an instrument of approval of an amendment to a treaty without first going back to the Senate.

WE HAVE PONDERED—NOW LET US PAUSE

Mr. KUCHEL. Mr. President, the genesis of this issue occurred 18 years ago when American men of science discovered and put to use the secrets of a new and awesome power. In the closing weeks of the Second World War, American-made atomic bombs were dropped upon two enemy cities, pulverizing their homes and buildings and incinerating their people, with a sudden and devastating fury never before known to man.

Surrender, and a peace of sorts, followed almost at once.

It was thus that the world and its people, armed with growing scientific knowledge by which to construct new tools of instantaneous destruction, over an ever-widening area, and with growing ranges of delivery, stumbled forward into the nuclear age. Wonderful, peaceful uses of the new energy were found. Many others were anticipated. But nuclear power was primarily dedicated, as, indeed, it needed to be, to the defensive might of the people of the United States. Our attempts to dedicate it exclusively to peaceful purposes, on a multinational basis, consistently met with failure.

Scientific brainpower is not solely indigenous to the West, nor to free peoples alone. And so, alas, the Soviet Union, aided by Nazi rocket experts whom it had captured, and by information which its far-flung system of espionage had obtained, embarked, also, on a long-range program to test and to manufacture thermonuclear warheads and intricate systems for speeding them on their way, even across the seas. So did the United Kingdom. So, now, has France. And so, too, has the inhuman and wanton regime of the Red Chinese. Others could, and some would, unquestionably follow.

I say to my colleagues that America's nuclear arsenal has been a profound deterrent against a potential Soviet surprise H-bomb aggression against our country and the West. Our Secretary of Defense, during the hearings on the treaty, has reiterated that—

Our strategic retaliatory forces are fully capable of destroying the Soviet target system, even after absorbing an initial surprise attack. Allowing for losses from an initial enemy attack and attrition en route to target, we calculate that our forces today could still destroy the Soviet Union without any help from the deployed tactical air units or carrier task forces or Thor or Jupiter IRBM's.

The Secretary of Defense has testified at that same hearing that the United States "has nuclear superiority." After listening to all the testimony, Mr. President, I sincerely believe that statement. He testified that "we are determined to maintain superiority." And that, Mr. President, we must unfailingly accomplish.

The American people are devotedly dedicated to the cause of a just peace. We are not a warlike nation. When we have been attacked, we have fought wars, and we have won. We are not going to abandon our liberty, nor will we ever, ever, suffer it to be taken from us, whatever the cost. We continue to seek a continuing security for our country, as we continue to seek an honorable peace in the world. This is not a confession of weakness. It comes rather, from a strength of spirit, and from the knowledge that anyone who would try to hurt us would suffer, swiftly and surely, an annihilating retribution.

An arms race—particularly a nuclear arms race—cannot and would not provide permanent security. Peace does not rest on military power alone. In an arms race, do we not increase the danger of war by mistake or miscalculation as well

as by design? And, in a nuclear arms race, free of all restraints, do we not, as we undertake repeated and competitive testing in the atmosphere, finally reach the point where radioactive fallout would surely become a hideous danger to the survival of the human race?

It is to the everlasting credit of the leaders of America that, from the dawn of the nuclear era, they have earnestly sought agreement to control nuclear testing, and to dedicate nuclear power to the betterment of man. That grand old American, Bernard Baruch, early told the nations of the world that the choice they had to make was "between the quick and the dead." In 1957, President Eisenhower offered the Soviet Union what he termed "a cessation of tests as an integral part of what we call a general first step toward disarmament."

Two years later, in a letter to Chairman Khrushchev, dated April 20, 1959, President Eisenhower said:

The United States strongly seeks a lasting agreement for the discontinuance of nuclear weapons tests. We believe that this would be an important step toward reduction of international tensions and would open the way to further agreements on substantial measures of disarmament.

On January 11, 1960, President Eisenhower spoke of America's proposal for a nuclear test ban agreement in the atmosphere and in the oceans. He said:

These are initial, but far-reaching and yet readily attainable steps toward a complete ban on nuclear weapons tests. If adopted, they will prevent increases in the level of radioactivity in the atmosphere and so allay worldwide concern.

The United Kingdom joined President Eisenhower in his limited proposal. It has continued to agree with our country's position under President Kennedy.

Finally, last July 25, representatives of the United States, the United Kingdom and the Soviet Union initiated an agreement for a limited test ban. Since then, 91 other nations have approved it, without qualification.

The issue, thus, 18 years after the first atomic explosion, is now before the U.S. Senate. It is our duty under the Constitution, to determine whether or not we shall advise and consent to the treaty agreement.

I ask unanimous consent that the entire text of the treaty and the agreed communique be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from California? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Mr. President, I ask unanimous consent, also, that the Department of State letter of transmittal to the President, dated August 8, 1963, and the text of the President's letter of the same date to the Senate be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from California? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. KUCHEL. Mr. President, I further ask unanimous consent that the transcript of a number of questions I asked of witnesses during the hearings and the answers I received may also be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from California? The Chair hears none, and it is so ordered.

(See exhibit 3.)

Mr. KUCHEL. Mr. President, by the terms of the treaty the parties agree to prohibit, to prevent, and not to carry out, nuclear tests in the atmosphere, in outer space, or under water.

Underground nuclear explosions are permitted so long as radioactive debris is not vented outside the territory of the nation conducting such explosions. Weapons testing underground or explosions underground for peaceful purposes are equally permissible.

The nations agree not to encourage or participate in the carrying out of the prohibited testing and explosions anywhere by anyone.

The treaty is open to any nation to join. It may be amended but only if a majority of the members—specifically including the United States, the United Kingdom, and the Soviet Union—agree. That simply means that the treaty cannot be amended unless the executive branch of our Government agrees, and unless the Senate, by a two-thirds recorded vote, also agrees.

The treaty is of unlimited duration, but it permits any signatory to withdraw on 3 months' notice if the signatory itself, and by itself alone, determines that "extraordinary events, related to the subject matter of this treaty, have jeopardized the supreme interests" of the signatory. And, obviously, under international law, if a signatory were to abrogate the treaty, secretly or otherwise, the treaty would be at an end, and any other signatory could proceed immediately to test at will.

Does the treaty, in any way, restrict the use of nuclear weapons by any signatory nation in the event of war or in the event of an aggressive act against it? The answer is in the negative. The treaty, by its own terms, is specifically designed to prevent test explosions in the three enumerated environments. That is what it does. That is what it is intended to do. The agreed communique of the three powers, issued simultaneously with the initialing of the treaty clearly relates the treaty to the problem of "the discontinuance of nuclear tests." It refers to the treaty as "the test ban treaty." The Department of State, in transmitting the treaty to the President refers to the treaty, particularly the article referring to prohibiting nuclear explosions, and says:

The article does not prohibit the use of nuclear weapons in the event of war nor restrict the exercise of the right of self-defense recognized in article 51 of the Charter of the United Nations.

In his message to the Senate, the President of the United States clearly stated that the treaty "will not end the threat

of nuclear war or outlaw the use of nuclear weapons."

The clear issue before the Senate is whether a limited nuclear test ban agreement is in the interests of the American people. The treaty has nothing to do with the manufacture and stockpiling and deployment of nuclear weapons. It has nothing to do with our country using our nuclear arsenal if the President, as Commander in Chief, determines that American security requires its use. And, I repeat, the limitation on test explosions does not apply to testing underground for any purpose.

Will the treaty, in any way, require any signatory nation to recognize any other signatory nation if it does not desire to do so? It will not. International law is clear on this. The precedents, over the years, are unequivocal. The right of the United States to determine, by herself, what countries to recognize and what countries not to recognize, continues unimpaired. And I feel completely assured that West Germany would never have signed the treaty if she had felt that there was the slightest implication that her signature would require her to recognize Communist East Germany.

In the committee hearings, I asked each member of the Joint Chiefs of Staff whether he, individually, approved the treaty. Each member of the Joint Chiefs of Staff answered in the affirmative. It was their unanimous, collective judgment that, under the terms of the treaty, our country should immediately proceed with an underground testing program designed to improve our weapons. Glenn T. Seaborg, the distinguished nuclear scientist, now Chairman of the Atomic Energy Commission, in his testimony on the treaty, described the Commission's responsibility as follows:

To develop atomic energy so as to make the maximum contributions to the common defense and security of the United States. We will continue to vigorously support research and development in our weapons laboratories; the terms of the treaty permit us to carry out an active underground testing program and we are doing so.

Yesterday, the distinguished minority leader, the Senator from Illinois (Mr. DIRKSEN), read to the Senate a letter from the President of the United States reaffirming the testimony, indeed, the pledge, of all responsible Government officials, including the Joint Chiefs of Staff and the Chairman of the Atomic Energy Commission who testified on this treaty that the readiness of our nuclear testing facilities would be maintained.

Our military leaders vigorously advocate that we be constantly able to resume atmospheric testing if the Soviet Union cheats on its treaty obligations. Seaborg firmly promises that—

We will maintain a state of readiness for conducting tests in the atmosphere and other media. This readiness posture has been stated as national policy by the President.

What are the hazards of clandestine cheating by the Soviet Union? I believe, by the testimony given to us by scienti-

fic and military personnel during closed committee sessions, that our skills and techniques to detect cheating in the prohibited environments are surprisingly efficient; and that there is a high probability that any Soviet illegal test would be discovered. If such illegal explosions occurred, the treaty would be breached, and, as I say, were it in our national interests, under the decision of the President, we would have the immediate right to test at once in the environments covered by the treaty.

Mr. President, I have little, if any, faith in the word of the Soviet Union. Her record of breaking her word is long and sordid. If she is in good faith in this instance, it is only and solely because the treaty is in her interests. I do not, in the slightest, believe that the Soviet Union has abandoned its goal of worldwide Communist domination. The Soviet Union knows that if, God forbid, the United States were the victim of a surprise nuclear attack, our retaliatory nuclear blow would incinerate the land of the aggressor. I believe the U.S.S.R. knows that our capacity to retaliate is sufficiently large and dispersed and secured that no surprise attack against us could wipe out the fiery vengeance which we could and would wreak on a nuclear aggressor. Her leaders know the full fury of thermonuclear bombs. But if such weapons were to proliferate around the world, to become the property of an increasing number of nations, large and small, irresponsible or not, would not the hazards to all mankind—including the Soviet Union—proliferate, too?

Suppose, for example, the nations in the Middle East all possessed nuclear arsenals. Would we not be inching toward the abyss of nuclear conflict?

Is it not, therefore, in the self-interest of humanity, including the U.S.S.R., to accept a multilateral policy designed at least to inhibit, if not prevent, the development of nuclear bombs by more and more nations? Is it not in the interest of humanity, including the Soviet Union, that the atmosphere which all people, including its own, breathe, should be freed, if only for a while, from additional radioactive poison, no matter how far away, or how near, an actual level of immediate danger might be?

These are the considerations which from the very first have impelled our country to try to reach even a first-step agreement in the field of nuclear testing. And now, at long last, the U.S.S.R. has accepted our proposal. It should be rejected by the Senate only if it were to find that the security of our country is endangered by what both Eisenhower and Kennedy have been contending for over the years.

Where is such evidence? Eisenhower and Kennedy recommend it. The military Joint Chiefs of Staff support it. Out of nine top American military commanders, spread all around the world, eight approve it. Of all the nuclear physicists who testified before the committee, the predominant view was that this treaty represented a step away from an age of darkness and desolation, and

that the accompanying risks of agreement and breach would be outweighed by the measure of hope given to mankind, and by an America—ever alert and standing guard—representing in her continuing military power, and in the strength of her dedication to a just peace, once again, the last, best hope of earth.

And even the great American scientist, Dr. Edward Teller, a brilliant patriot from my own State of California, in answer to my questions, suggested that the fears which prompted his opposition might be ameliorated, and that the treaty "might still be compatible with our safety"—his words—by suitable and available expansion in some of our present defense systems.

Later in the hearings, I asked Dr. Harold Brown, Director of Defense Research and Engineering of the Department of Defense, if the treaty restrictions would not crucially affect our capacity to develop a defensive antiballistic missile system. He replied, "I would go further than that and say it would not seriously affect our capacity. I don't want to say that it is not useful information but it will not seriously hamper our development."

Both the Secretary of Defense and the Joint Chiefs of Staff, relying on both their military judgment and the advice of the distinguished scientists who hold positions of responsibility in the Pentagon, moreover, made it clear that, in their opinions, development of an antiballistic missile system does not depend on atmospheric testing. As Gen. Maxwell Taylor, Chairman of the Joint Chiefs, testified:

As the Joint Chiefs have pointed out there are limitations in the sense that we can never have complete weapons effects tests which would involve atmospheric testing. That is a disability, but not a critical one. We can, indeed, develop, fabricate, and deploy an antiballistic missile system if we so choose.

At another point in the hearings, I also asked the Joint Chiefs of Staff for their individual reasons for supporting the treaty.

Gen. Curtis LeMay, Chief of Staff of the U.S. Air Force, replied:

Well, the political advantages that might accrue from this are a great number. Some of them are (1) the cleavage that now exists between Russia and China. Another one is that if we can satisfy Mr. Khrushchev as to our nonaggressive designs, and we can get him to pull back into the Soviet Union and concentrate a great number of his resources on consumer goods, on his agricultural program, and things of that sort, rather than going off on excursions to further communism worldwide, this would be a political advantage.

Gen. Earle Wheeler, Chief of Staff of the U.S. Army, replied:

I would go a step further in merely calling this political. It is politico-military. If a reduction in tensions can be achieved—although I would certainly argue whether weapons cause tensions or tensions cause weapons—perhaps we will have an opportunity to deal with some of the very sticky problems such as Berlin, Cuba, and others which plague us.

And General Wheeler continued:

The matter of proliferation has been put forward as being a military advantage. I would certainly say this: If we can restrict the proliferation of nuclear weapons, this is a military advantage as well as a political advantage.

Mr. President, as one who does not customarily sit on the major committees dealing with test ban affairs, I did not have the background or the presence of wisdom to become immediately either an advocate or a critic of the treaty when it was first announced. I have seen my role as have the majority of my colleagues: to wait and see, to listen and to question, to advise and consent or to dissent, as each one of us sees the light.

Let me recall the solemn pledge of the 1960 Republican national platform, which reads:

We are similarly ready to negotiate and to institute realistic methods and safeguards for disarmament, and for the suspension of nuclear tests. We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit.

Yesterday in debate the Republican leader in the Senate likewise quoted that platform as constituting a commitment by my party to the people of the United States.

Nonetheless, I told the Senate on August 2 that I would vote in favor of the treaty only if, after all the questions were asked and all the answers were given, it then appeared to be abundantly clear that ratification of the treaty would be in the interest of the American people and, beyond that, in the interest of the cause of a just peace on this globe.

Mr. President, the questions have been asked, the answers have been given, and I think the conclusion is abundantly clear.

I am not a member of the Committee on Foreign Relations. But I regarded—and now regard—the responsibility of the Senate, in judging this treaty as so crucially important that I participated in the committee hearings, both public and private, and with the approval of the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT], I participated in the examination of witnesses. My sole concern was to cast my vote—for or against the treaty—on the single basis of what I believed would be best for my country. I listened to the evidence, pro and con. As carefully as I could, I examined the exhibits and the charts of the Military Establishment.

All of my original reservations concerning the treaty have been answered. I have reached my decision. As an American, whose prime concern is for his own country, I shall support the treaty, for I believe it to be in the interest of the people of the United States as well as in the interest of world peace.

The treaty may not halt the proliferation of nuclear weapons entirely, but it constitutes a drive to impede it. The treaty may, but for a short time, halt the danger of fallout. Should the Soviet Union break the treaty, we will, as we must, be ready immediately to resume

testing ourselves. We shall hope for the best, but we shall prepare for the worst.

But most important of all, I believe, for the first time the major nations of the world have taken a small step toward reality and common sense and sanity in a world laden with thermonuclear bombs.

I recall the words of the great Church-ill:

Mankind has never been in this position before. Without having improved appreciably in virtue or enjoying wiser guidance, it has got into its hands for the first time the tools by which it can unfailingly accomplish its own extermination. That is the point in human destinies to which all the glories and toils of men have at last led them. They would do well to pause and ponder upon their new responsibilities.

Mr. President, we have pondered. Now let us pause.

EXHIBIT 1

TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDERWATER

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

ARTICLE I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

ARTICLE II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

ARTICLE III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United States of America, the United Kingdom of Great Britain, and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

ARTICLE V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government of the United States of America:

DEAN RUSK
WAH

For the Government of the United Kingdom of Great Britain and Northern Ireland:
HOME
H

For the Government of the Union of Soviet Socialist Republics:
A. GROMYKO
A.G.

I certify that the foregoing is a true copy of the Treaty banning nuclear weapon tests in the atmosphere in outer space and underwater, signed at Moscow on August 5, 1963 in the English and Russian languages, a signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, George W. Ball,

Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this eighth day of August, 1963.

[SEAL]

GEORGE W. BALL

Acting Secretary of State
By BARBARA HARTMAN
Authentication Officer,
Department of State

(Released on July 25, 1963)

AGREED COMMUNIQUE

The special representatives of the President of the United States of America and of the Prime Minister of the United Kingdom, W. Averell Harriman, Under Secretary of State for Political Affairs of the United States, and Lord Hailsham, Lord President of the Council and Minister of Science for the United Kingdom, visited Moscow together with their advisers on July 14. Mr. Harriman and Lord Hailsham were received by the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, N. S. Khrushchev, who presided on July 15 at the first of a series of meetings to discuss questions relating to the discontinuance of nuclear tests, and other questions of mutual interest. The discussions were continued from July 16 to July 25 with A. A. Gromyko, Minister of Foreign Affairs of the Union of Soviet Socialist Republics. During these discussions each principal was assisted by his advisers.

The discussions took place in a business-like, cordial atmosphere. Agreement was reached on the text of a treaty banning nuclear weapons tests in the atmosphere, in outer space and underwater. This text is being published separately and simultaneously with this communique. It was initiated on July 25 by A. A. Gromyko, Mr. Harriman and Lord Hailsham together with their advisers will leave Moscow shortly to report and bring back the initialed texts to their respective Governments. Signature of the treaty is expected to take place in the near future in Moscow.

The heads of the three delegations agreed that the test ban treaty constituted an important first step toward the reduction of international tension and the strengthening of peace, and they look forward to further progress in this direction.

The heads of the three delegations discussed the Soviet proposal relating to a pact of non-aggression between the participants in the North Atlantic Treaty Organization and the participants in the Warsaw Treaty. The three Governments have agreed fully to inform their respective allies in the two organizations concerning these talks and to consult with them about continuing discussions on this question with the purpose of achieving agreement satisfactory to all participants. A brief exchange of views also took place with regard to other measures, directed at a relaxation of tension.

EXHIBIT 2

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE, AND UNDERWATER, SIGNED AT MOSCOW ON AUGUST 5, 1963, ON BEHALF OF THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS

THE WHITE HOUSE,

August 8, 1963.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, signed

at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics.

This treaty is the first concrete result of 18 years of effort by the United States to impose limits on the nuclear arms race. There is hope that it may lead to further measures to arrest and control the dangerous competition for increasingly destructive weapons.

The provisions of the treaty are explained in the report of the Acting Secretary of State, transmitted herewith. Essentially it prohibits only those nuclear tests that we ourselves can police. It permits nuclear tests and explosions underground so long as all fallout is contained within the country where the test or explosion is conducted.

In the weeks before and after the test ban negotiations, the hopes of the world have been focused on this treaty. Especially in America, where nuclear energy was first unlocked, where the danger of nuclear war and the meaning of radioactive fallout are so clearly recognized, there has been understanding and support for this effort. Now the treaty comes before the Senate, for that careful study which is the constitutional obligation of the Members of that body. As that study begins I wish to urge that the following considerations be kept clearly in mind:

First. This treaty is the whole agreement. U.S. negotiators in Moscow were instructed not to make this agreement conditioned upon any other understanding; and they made none. The treaty speaks for itself.

Second. This treaty advances, though it does not assure, world peace; and it will inhibit, though it does not prohibit, the nuclear arms race.

While it does not prohibit the United States and the Soviet Union from engaging in all nuclear tests, it will radically limit the testing in which both nations would otherwise engage.

While it will not halt the production or reduce the existing stockpiles of nuclear weapons, it is a first step toward limiting the nuclear arms race.

While it will not end the threat of nuclear war or outlaw the use of nuclear weapons, it can reduce world tensions, open a way to further agreements, and thereby help to ease the threat of war.

While it cannot wholly prevent the spread of nuclear arms to nations not now possessing them, it prohibits assistance to testing in these environments by others; it will be signed by many other potential testers; and it is thus an important opening wedge in our effort to "get the genie back in the bottle."

Third. The treaty will curb the pollution of our atmosphere. While it does not assure the world that it will be forever free from the fears and dangers of radioactive fallout from atmospheric tests, it will greatly reduce the numbers and dangers of such tests.

Fourth. This treaty protects our rights in the future. It cannot be amended without the consent of the United States, including the consent of the Senate; and any party to the treaty has the right to withdraw, upon 30 months' notice, if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests.

Fifth. This treaty does not alter the status of unrecognized regimes. The provisions relating to ratification by others, and the precedents of international law, make it clear that our adherence to this treaty, and the adherence of any other party, can in no way accord or even imply recognition by the United States or any other nation of any regime which is not now accorded such recognition.

Sixth. This treaty does not halt American nuclear progress. The United States has

more experience in underground testing than any other nation; and we intend to use this capacity to maintain the adequacy of our arsenal. Our atomic laboratories will maintain an active development program, including underground testing, and we will be ready to resume testing in the atmosphere of necessity. Continued research on developing the peaceful uses of atomic energy will be possible through underground testing.

Seventh. This treaty is not a substitute for, and does not diminish the need for, continued Western and American military strength to meet all contingencies. It will not prevent us from building all the strength that we need; and it is not a justification for unilaterally cutting our defensive strength at this time. Our choice is not between a limited treaty and effective strategic strength—we need and can have both. The continuous buildup in the power and invulnerability of our nuclear arsenal in recent years has been an important factor in persuading others that the time for a limitation has arrived.

Eighth. This treaty will assure the security of the United States better than continued unlimited testing on both sides. According to a comprehensive report prepared by the responsible agencies of Government for the National Security Council, the tests conducted by both the Soviet Union and the United States since President Eisenhower first proposed this kind of treaty in 1959 have not resulted in any substantial alteration in the strategic balance. In 1959 our relative nuclear position was strong enough to make a limited test ban desirable, and it remains so today. Under this treaty any gains in nuclear strength and knowledge which could be made by the tests of any other power—including not only underground tests but even any illegal tests which might escape detection—could not be sufficient to offset the ability of our strategic forces to deter or survive a nuclear attack and to penetrate and destroy an aggressor's homeland. We have, and under this treaty we will continue to have, the nuclear strength that we need. On the other hand, unrestricted testing—by which other powers could develop all kinds of weapons through atmospheric tests more cheaply and quickly than they could underground—might well lead to a weakening of our security. It is true that the United States would be able to make further progress if atmospheric tests were continued—but so would the Soviet Union and indeed, so could other nations. It should be remembered that only one atomic test was required to complete the development of the Hiroshima bomb. Clearly the security of the United States—the security of all mankind—is increased if such tests are prohibited.

Ninth. The risks in clandestine violations under this treaty are far smaller than the risks in unlimited testing. Underground tests will still be available for weapons development; and other tests, to be significant, must run substantial risks of detection. No nation tempted to violate the treaty can be certain that an attempted violation will go undetected, given the many means of detecting nuclear explosions. The risks of detection outweigh the potential gains from violation, and the risk to the United States from such violation is outweighed by the risk of a continued unlimited nuclear arms race. There is further assurance against clandestine testing in our ability to develop and deploy additional means of detection, in our determination to maintain our own arsenal through underground tests, and in our readiness to resume atmospheric testing if the actions of others so require.

Tenth. This treaty is the product of the steady effort of the U.S. Government in two administrations, and its principles have had the explicit support of both great political parties. It grows out of the proposal made by President Eisenhower in 1959 and the reso-

lution passed by the Senate in that same year; and it carries out the explicit pledges contained in the platforms of both parties in 1960. Nothing has happened since then to alter its importance to our security. It is also consistent with the proposals this administration put forward in 1961 and 1962—and with the resolution introduced in the Senate, with wide bipartisan support, in May of 1963.

This treaty is in our national interest. While experience teaches us to be cautious in our expectations and ever vigilant in our preparations, there is no reason to oppose this hopeful step. It is rarely possible to recapture missed opportunities to achieve a more secure and peaceful world. To govern is to choose; and it is my judgment that the United States should move swiftly to make the most of the present opportunity and approve the pending treaty. I strongly recommend that the Senate of the United States advise and consent to its ratification.

DEPARTMENT OF STATE,
Washington, August 8, 1963.

The President,
The White House:

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, a certified copy of the treaty banning nuclear weapon tests in the atmosphere, in outer space and underwater, signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics.

On October 31, 1958, the United States and the United Kingdom began negotiations with the Soviet Union at Geneva for an effectively controlled nuclear test cessation agreement. As you are aware, continued studies and assessments of the technical, political, military, and other aspects of this subject have been conducted since that time in connection with the negotiations.

The Senate has followed the test ban negotiations with close attention, holding many hearings and enacting a resolution in support of the efforts of the executive branch (S. Res. 96, 86th Cong., 1st sess.). Congressional advisers have attended the negotiations at Geneva at various times since 1958.

The first proposal for a limited test ban treaty was advanced by the United States and the United Kingdom on April 13, 1959. On that date, supported by Prime Minister Macmillan, President Eisenhower proposed in a letter to Chairman Khrushchev a ban on tests above ground and up to 50 kilometers. On September 3, 1961, you and Prime Minister Macmillan proposed to Chairman Khrushchev that the three Governments agree immediately not to conduct "nuclear tests which take place in the atmosphere and produce radioactive fallout."

On August 27, 1962, the United States and the United Kingdom submitted to the Conference of the 18-Nation Committee on Disarmament, a draft treaty banning nuclear weapon tests in the atmosphere, outer space, and underwater. Both proposals have been renewed by the United States and the United Kingdom at various times since then.

On May 27, 1963, Senators Dobb and Humphrey introduced in the Senate a resolution (S. Res. 148, 86th Cong., 1st sess.). This resolution, cosponsored by 32 other Senators, urged negotiation of a treaty banning tests in the atmosphere and the oceans.

On June 10, 1963, in a speech at American University, you announced further negotiations with the Soviet Union for a nuclear test ban, and a suspension of U.S. tests in the atmosphere so long as other nations did not conduct them.

On July 2, 1963, Chairman Khrushchev expressed the willingness of the Soviet Government "to conclude an agreement banning nu-

clear tests in the atmosphere, in outer space and underwater."

Commencing July 15, 1963, negotiations were held in Moscow between W. Averell Harriman, representing the United States, Lord Hailsham, representing the United Kingdom, and A. A. Gromyko, representing the Soviet Union, looking toward the possibility of concluding a treaty banning nuclear weapons tests in three environments, but not underground. On July 25, 1963, these negotiations resulted in an agreed draft initiated by the representatives of each of the parties. On August 5, 1963, the treaty was signed in Moscow by Secretary Rusk on behalf of the United States, by A. A. Gromyko on behalf of the Union of Soviet Socialist Republics, and by Lord Home on behalf of the United Kingdom.

The treaty consists of a preamble and five articles.

The preamble indicates the relationship of this treaty to the much broader aim of achieving an agreement on general and complete disarmament under strict international control, as well as to the more specific aims of eventually preventing nuclear weapons tests in all environments, meanwhile stopping the contamination of the atmosphere by radioactive fallout.

Article I contains the principal substantive obligations of the parties. Under its first paragraph the parties undertake to prohibit, to prevent, and not to carry out, at any place under their jurisdiction or control, nuclear weapons tests or other nuclear explosions in the atmosphere, in outer space, or underwater. In the context of provisions devoted to obtaining a complete, verifiable ban on tests in these three environments, the treaty language relates "any nuclear weapon test explosion" to "any other nuclear explosion," thus preventing evasion based on the contention that a particular detonation was not a weapon test but the explosion of an already tested device. The phrase "any other nuclear explosion" includes explosions for peaceful purposes. Such explosions are prohibited by the treaty because of the difficulty of differentiating between weapon test explosions and peaceful explosions without additional controls. The article does not prohibit the use of nuclear weapons in the event of war nor restrict the exercise of the right of self-defense recognized in article 51 of the Charter of the United Nations.

Underground nuclear explosions are not prohibited so long as they do not cause radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosions are conducted. Thus, so long as adequate precautions are taken to prevent such spread of radioactive debris, the treaty will not prohibit the United States from conducting underground nuclear weapons tests or underground nuclear explosions for peaceful purposes.

The second paragraph of article I contains on undertaking by the parties to refrain from causing, encouraging, or in any way participating in, the carrying out of the prohibited tests and explosions anywhere by anyone. This provision prevents a party from doing indirectly what it has agreed to refrain from doing directly.

Article II contains a procedure for amending the treaty. Any party may propose an amendment, and a conference to consider such an amendment must be called if requested by one-third or more of the parties although a conference would not be necessary for the adoption of an amendment. To be effective, an amendment must be approved and ratified by a majority of all the parties which must include the United States, Great Britain, and the Soviet Union. Thus, no amendment can become effective without the advice and consent of the Senate.

Article III provides that the treaty shall enter into force upon the deposit of instruments of ratification by all three original parties and specifies how other states may become parties. It designates the three original parties as depositary governments and contains other provisions of a formal nature relating to ratification, accession, and registration with the United Nations.

An increasing number of countries have indicated their intention of becoming parties to the treaty and of thus broadening its effectiveness. The provisions for signature and accession have been designed to permit the widest possible application of the treaty. At the same time adherence to the treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party.

Article IV provides that the treaty shall be of unlimited duration. It also creates a special right of withdrawal, upon 3 months' notice, if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests.

Article V provides that the English and Russian texts of the treaty are equally authoritative and makes provision for the deposit of the original treaty instruments and the transmittal of certified copies to signatory and acceding states.

There is transmitted for your information, and for that of the Senate, the agreed communique issued by the representatives of the original parties on July 25, 1963, at the conclusion of the Conference in Moscow at which the treaty was formulated.

I believe that the signing of this treaty is a significant achievement. Its ratification by the three original parties and by such other states as may sign or accede to it will be an important and hopeful step toward the reduction of international tensions, alleviation of the fears and dangers caused by radioactive fallout, and the prevention of the spread of nuclear weapons capability. I believe it will promote the security of the United States and of the entire free world.

In view of those advantages, and of the hopes and expectations of virtually every nation in the world, it is my sincere hope that the United States will promptly ratify this treaty.

Respectfully submitted.

GEORGE W. BALL.

EXHIBIT 3

NUCLEAR TEST BAN TREATY

Senator KUCHEL. Mr. Secretary, first your statement earlier this morning was excellent; your answers have been likewise. They are most useful to those of us, like myself, who have not been in a position to draw on any background and experience in this field.

DIFFICULTIES IN MAINTAINING A STATE OF CONSTANT READINESS TO RESUME TESTING

In March of 1962 President Kennedy, after the Soviet Union had abruptly announced the termination of its unilateral moratorium, had this to say, in part:

"We know enough now about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep topflight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient. We have explored this alter-

native thoroughly and found it impossible of execution."

Now that we have an agreement before us how would you seek to dispel any apprehension which the Members of the Senate and the people of our country may have—I say parenthetically I think you have covered this in part—first, with respect to a breach of the agreement and, secondly, with respect to the question of technical laboratories and scientific brains being kept on the alert under the agreement?

Secretary Rusk. In the first instance, of the first question, there is a difference, believe, between a solemn treaty solemnly entered into, and in the case of this treaty, endorsed by the signatures and the adherence of almost every nation of the world, on the one side, and the kind of moratorium which we had between 1958 and 1961.

That moratorium was based, in effect, upon unilateral declarations. It was not a contractual relationship between the parties.

I have tried myself, in fairness and in accuracy, to refer to the fact that the Soviet Union terminated or broke the moratorium but it did not break an agreement when it resumed its atmospheric tests. That is, the had not been formalized as a transaction among the governments. I do think that formal treaty is more significant.

Now, on the second question, sir, I think that this would be a much more important problem and difficulty for us, quite frankly if we were talking about a comprehensive treaty which eliminated tests of all sort and which could be subject to speedy violation by one or the other parties.

We do believe that with underground testing proceeding that some of the most advanced work will be done there; that the laboratories will be fully engaged in the the preparations for the resumption of a atmospheric testing and the keeping up to date of plans for such tests in the event of violation, would go a long way toward preventing the degradation of our laboratory capabilities.

We would also expect to keep in operating condition the actual test sites and not demobilize those to the extent that they were before or turn them over to other use.

So that we believe it would be possible and Dr. Seaborg will be able to address himself to that question specifically, that it will be possible for us to go ahead with our program, with our laboratories functioning, and be in a good position to take care of our interests if this treaty is violated.

TREATY'S EFFECT ON DEVELOPMENT OF ANTIMISSILE DEFENSE SYSTEM

Senator KUCHEL. Referring once again to the President's address to the people a year ago he said, in part:

"While apparently seeking information of the effects of nuclear blast on radar and communication, which is important in developing an antimissile defense system, these tests—"

referring to the Soviet tests—"did not, in our judgment, reflect a developed system."

Perhaps this question should be directed more properly to either Glenn Seaborg or Robert McNamara. But would it be your testimony that the development of defensive systems, including an anti-missile-missile system by the United States would not be inhibited by our agreement not to explode in the atmosphere?

Secretary Rusk. Secretary McNamara will address himself to that point in considerable detail, Senator KUCHEL. But let me just comment very briefly. That the central problems of an anti-missile-missile defense system lie generally outside of the warhead problem itself.

This has to do with radar capabilities with missile capabilities, with guidance systems, with things that can proceed in experimentation and development without inhibition by this treaty.

There are one or two aspects of that which are related to the possibilities of atmospheric testing which my colleagues may wish to take up in executive session, because it does involve some fairly delicate matters.

WHO IS BENEFITED MORE BY TEST BAN?

Senator KUCHEL. I paraphrase comments made by some Californians in the press when I say "Russia can continue testing in her area of weakness while we will be denied the chance to catch up in her area of strength."

Sir, speaking for the Government, you would deny that. Would you elaborate on such a denial?

Secretary RUSK. Again, sir, this is a matter which ought to be taken up in connection with weaponry and with highly technical as well as some classified material. But it is quite true that the Soviet Union has exploded, for example, a larger weapon from the megaton point of view than have we, and they, therefore, perhaps, have both some knowledge and capability in that field that we have not yet demonstrated or proof-tested, although we do have a capacity for very substantial weapons.

In other respects, and in other aspects of the spectrum in these three environments here, I think that it will be shown we feel that we are ahead, and to that extent the cessation of testing will impose some limitations on the Soviet side.

On the underground side, I think that our experience has been much more fertile. It is much larger in number. I think we feel we have a significant advantage in the underground field, and we can continue to develop the state of the art through the underground testing with full protection of American interests.

So it is not quite as simple a problem as saying they are ahead at this point, we are ahead at the other. They can test where they need to catch up, we cannot test where we need to catch up. But this is a great oversimplification, and I think as a conclusion would not be correct.

CONSULTATIONS WITH JOINT CHIEFS OF STAFF

Senator KUCHEL. Just one more question. You stated this morning in answer to a question by Senator STENNIS, that only the General Counsel of the Defense Department accompanied our delegation to Moscow. Did the State Department and the White House consult with the members of the Joint Chiefs of Staff prior to our participating in the negotiations in Moscow?

Secretary RUSK. Senator, the procedure by which we developed positions in disarmament culminates in what is called the Committee of Principals, which is a Cabinet-level committee which was organized soon after the present administration came into office. That is made up of the Secretary of State, the Secretary of Defense, the Chairman of the Atomic Energy Commission.

The Secretary of Defense, from the beginning, was normally accompanied by the Chairman of the Joint Chiefs of Staff. I myself was accompanied by the Director of the Disarmament Agency.

Back, I think, in April both of those were made full members of the Committee of Principals, although they had been at all meetings previously in the last 2 or 3 years.

All of these disarmament questions are discussed there, debated there, reviewed there. The Committee of Principals then meets periodically with the President for full discussion there with all those who participated at the Committee level sitting in on those discussions with the President. So that there has been the fullest opportunity for an exchange of views among any of the agencies there or any of the individuals there, as we have discussed these various issues.

Senator KUCHEL. Mr. Secretary, first let me permit the record to show that I greatly

appreciate being here and listening to you. I think your statement was most helpful to Senators like myself.

GENERAL SUMMARY OF TREATY TERMS

Is it fair to say that, as you appear here urging the Senate to advise and consent to this treaty, that in your opinion the intent of the treaty is to prohibit nuclear test explosions in the three enumerated environments by the original signatories and by those other nations or states which hereafter may approve it?

Secretary McNAMARA. Yes, sir; it is.

Senator KUCHEL. And is it your statement to this committee that the intention of the parties in drafting it is not to prohibit the use of nuclear weapons on the part of any nation which finds its security involved to the point that it would determine it necessary to use them?

Secretary McNAMARA. That is the clear intent of the parties.

DISCUSSION OF DEFINITION OF "OR ANY OTHER NUCLEAR EXPLOSION"

Senator KUCHEL. I turn to the language of the treaty, Mr. Secretary, and I read in article I:

"Each of the parties to this treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control—"

Then it describes the areas to be covered in (a) and (b). I refer particularly to the phrase, "or any other nuclear explosion."

What is your opinion of the intention of the parties in utilizing that series of words?

Secretary McNAMARA. Again I speak as Secretary of Defense and not as an experienced international lawyer. But it is certainly my understanding of the intent of the parties that the term "any other nuclear explosion" was inserted in order to prohibit so-called peaceful use explosions which met the conditions outlined in the following two subparagraphs, A and B.

Senator KUCHEL. That phrase also appears in section 2 of article I:

"Each of the parties to this treaty undertakes furthermore to refrain from causing, encouraging, or in any other way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this article."

Would your statement be to the committee that that phrase again, "or any other nuclear explosion," is restricted to peaceful nuclear test explosions?

Secretary McNAMARA. I believe that was the purpose and intent—to apply only to peaceful explosions.

Senator KUCHEL. Would you feel it reasonable for anyone to try to contend that this phrase would apply across the board and prohibit any other nuclear explosion of any kind or character?

Secretary McNAMARA. No, sir; I do not believe so. As I say, I based my conclusion on two points: (a) I am quite familiar with the background that led to the introduction of the language and it is clearly the intent of the parties that the phrase would not apply to a prohibition of the use of nuclear weapons in the event of war. And, second, I am told by my legal counsel that it is quite customary so to interpret international treaties unless they quite specifically state the contrary.

Senator KUCHEL. Your General Counsel was present in Moscow at the time of the negotiations?

Secretary McNAMARA. Yes, sir; he was. Perhaps you would like to hear him speak on this point.

Senator KUCHEL. I would like to ask him this question for the record, because it has

bothered people with whom I have spoken. When the words are used "or any other nuclear explosions," would it be the statement of the General Counsel that that should be interpreted as any other "nuclear test" explosion?

CLARIFICATION OF "OR ANY OTHER NUCLEAR EXPLOSION"

Mr. McNAUGHTON. No—a peaceful use explosion might not be a test explosion. For example, a peaceful use explosion, digging a new canal, would scarcely be a test explosion. So the word "test" is not in there for that reason. As you may recall, the approved U.S. draft had an article II permitting peaceful uses under certain circumstances.

Senator KUCHEL. I remember.

Mr. McNAUGHTON. When that article was deleted, this language, as the Secretary pointed out, was inserted to prevent peaceful use explosions, whether tests or otherwise, in the peaceful three environments; and the reliance was placed on the commonly accepted legal rule of interpretation that such a limitation does not apply in time of war or hostilities unless it clearly so states.

Senator KUCHEL. Give me the first part of that statement again. It does not apply in time of war?

TREATY NOT APPLY IN TIME OF WAR

Mr. McNAUGHTON. It is a commonly accepted rule of interpretation in international law that provisions of a treaty do not apply in time of war, or hostilities unless the treaty clearly indicates to that effect. Now I am not an international lawyer. But this is my understanding of this subject from the international lawyers. This is clearly the case.

NEED FOR FULL UNDERSTANDING OF TREATY LANGUAGE

Senator KUCHEL. In the interest of time then might this hearing have for the purpose of establishing intent on this point not simply that that is the understanding of our participants in the discussion but also an explanation of your statement that in time of war treaties do not apply specifically referring to who is at war.

(The explanation referred to is as follows:)

"GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C.

"Hon. J. W. Fulbright,
Chairman, Foreign Relations Committee,
U.S. Senate.

"DEAR MR. CHAIRMAN: During the hearings before the Committee on Foreign Relations on the proposed Nuclear Test Ban Treaty on August 13, 1963, Senator KUCHEL raised the question whether the treaty prohibits the use of nuclear weapons in time of war.

"It is my opinion, shared by the Legal Adviser of the Department of State, that the treaty cannot properly be so construed.

"As is the case with contracts between private parties, it is a familiar principle of international law that in ascertaining the meaning of a treaty we may look beyond its written words to the negotiations and diplomatic correspondence of the contracting parties and to the interpretation made of the treaty by the parties. Compare, *Factor v. Laubenheimer*, 290 U.S. 276, 294-295; *Cook v. United States*, 288 U.S. 102, 112; *Nielsen v. Johnson*, 279 U.S. 47, 52; *Lauterpacht, Some Observations on Preparatory Work in the Interpretation of Treaties*, 48 Harv. L. Rev. 549. It is equally fundamental that a treaty is to be interpreted in the light of the general purpose which it is intended to serve. Compare, advisory opinion of July 20, 1962, of the International Court of Justice on certain expenses of the United Nations, page 20.

"The preamble of the treaty states that the parties seek to achieve the discontinuance of test explosions of nuclear weapons. The title of the treaty proclaims that the agree-

ment is a Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water. Similarly, the communique accompanying the treaty announces that agreement was reached on the text of a treaty banning nuclear weapons tests in the atmosphere, in outer space, and under water. Surely, if it had been intended to prohibit the use of nuclear weapons in wartime, some mention of that important purpose would be found in the communique, the title, and the preamble. Not only is no such purpose stated, but the communique and the preamble make it clear that the treaty is only an important first step in the achievement of an agreement on general and complete disarmament and, specifically, on the cessation of the production of nuclear weapons.

"Further, if it had been intended to prohibit the use of nuclear weapons in war, one would expect to find some provisions in the text calling for the cessation of production of fissionable materials for nuclear weapons for the reduction of stockpiles of nuclear weapons, and for the progressive destruction of existing nuclear weapons and their means of delivery. No such provisions appear. They do not appear because the treaty was not intended to deal with the use of nuclear weapons in war.

"This conclusion is further substantiated by the historical background of the treaty. The language of article I of the treaty has its origin in article I of the draft treaty banning nuclear weapon tests tabled in Geneva by the United States and the United Kingdom on August 27, 1962. The major point of difference between article I of this treaty and article I of the 1962 draft treaty is that the present article I also prohibits 'any other nuclear explosion' in the specified environments. The quoted words stem from the existence of article II of the 1962 United States-United Kingdom draft, which authorized the explosion of nuclear devices for peaceful purposes in the specified environments if unanimously agreed to by the 'original parties.' This limited exception was unacceptable to the Soviet Union. The words 'or any other nuclear explosion' were accordingly inserted in article I of the present draft treaty for the purpose of banning peaceful use explosions as well as test explosions in the three environments.

"Except for this change with respect to explosions for peaceful purposes, the present draft and the earlier draft are substantially identical. The preamble of the earlier draft, its title, and the accompanying statement of the U.S. delegate, Ambassador Dean, make it plain that the draft did not have as an objective the prohibition of the use of nuclear weapons in war. See Department of State Bulletin, volume XLVII, No. 1212, September 17, 1962, pages 404-410; 415-416. Indeed, it is apparent from the 'Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World,' which was presented by the United States in Geneva on April 18, 1962, that the proposed test ban treaty was only one element of the overall problem of disarmament. See U.S. Arms Control and Disarmament Agency, publication 4, general series 3 (May 1962).

"In addition to this historical background, there is the contemporaneous interpretation openly given to the current draft by the parties. In his speech of July 26, 1963, President Kennedy stated that the treaty 'will not restrict their (nuclear weapons) use in time of war.' See New York Times, July 27, 1963, page 2, column 1. Significantly, this construction was not unilateral. Earlier, on July 2, Mr. Khrushchev in his speech in Berlin expressed a similar understanding. After stating the willingness of the Soviet Government to conclude a limited agreement banning nuclear tests, he said: 'Of course, an agreement on the ending of nuclear tests, not withstanding all the importance of this ma-

for act, cannot stop the arms race, and cannot avert or even substantially weaken the danger of thermonuclear war.' In a press conference of July 27, 1963, Ambassador Harriman, the U.S. delegate at the Moscow talks, revealed that the possible interpretation of article I as interfering with use of nuclear weapons had been discussed by the three parties during the negotiations and that it was 'perfectly plain that this language in no way inhibits any country, the United States or any country, from using nuclear weapons, should the need require in war.' See the Washington Post, July 28, 1963, page A8, column 2.

"Finally, it should be noted that it is standard practice in treaties outlawing the use of specified weapons or actions in time of war for the treaties to state expressly that they apply in time of war, in order to prevent possible application of the rule that war may suspend or annul the operation of treaties between the warring parties. (Cf. *Karmuth v. United States*, 279 U.S. 281, 286-289; Oppenheim's 'International Law,' vol. II, 7th ed., pp. 302-306.) See, e.g.:

"International Declaration Renouncing the Use in Time of War of Explosive Projectiles Under 400 Grammes Weight (St. Petersburg, November 29, December 11, 1868)."

"International Declaration Respecting Asphyxiating Gases, Hague, July 29, 1899; International Declaration Respecting Expanding Bullets, Hague, July 29, 1899."

"International Convention Concerning the Laws and Customs of War on Land, Hague, October 18, 1907."

"Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or other Gases, and of Bacteriological Methods of Warfare. Geneva, June 17, 1925."

"Geneva Conventions on Wounded and Sick, 1949 (art. 2); POW's (art. 2); Civilians (art. 2)."

"In the present case, language specifically prohibiting the use of nuclear weapons in wartime does not appear; it must, therefore, be presumed that no such prohibition would apply.

"Senator KUCHEL also asked whether the entire treaty would be abrogated if one of the parties thereto was at war either with a second party or a state not a party. The answer is that the operation of the treaty would be annulled only with respect to the specific parties at war. For example, if the hypothetical war did not involve the United States and the Soviet Union, and their respective allies, the war would have no effect on the application of the treaty to the United States and the Soviet Union. It should be noted, however, that depending on the circumstances, the United States or the Soviet Union might unilaterally decide to invoke the withdrawal clause of article IV.

"Sincerely,

"JOHN T. McNAUGHTON."

Senator KUCHEL. Let us suppose that 1 of the signatories of 50 would be engaged in conflict. Would this abrogate the entire treaty? I do think that it is most important—particularly since Senator MORSE earlier referred to the word "encourage." It raises a dreadful problem with respect to at least one of our allies. Senator CASE also brought up the question of what "underground" means. I would not want to restrict my Government by having this record indicate that "underground" must mean something more than an inch or 2 inches or a foot. I think it terribly important if this is the only hearing which is available to legal minds—maybe after the fact has occurred—as to what is intended. Then you must scrupulously indicate what "underground" means, and what it doesn't mean, what "encourage" means and what it doesn't mean. And in this case, what the words "or any other nuclear explosion" means: That it does not mean a nuclear detonation of a defensive

weapon in our arsenal when the Commander in Chief deems that to be necessary.

Mr. McNAUGHTON. That is correct.

Senator KUCHEL. And I must say I think the agreed communique of the three parties bears on the intention. But when the Secretary mentions the phrase "intention of the parties" all I know is what we develop in these hearings by questions and answers. This is the only thing that not only the Senate, but the American people, will have to determine the intention of the specific language used. This is extremely important, because very dedicated Americans do raise these questions and have raised them to me orally and in writing.

MAINTENANCE AND CONTINUATION OF ABM RESEARCH AND DEVELOPMENT

Mr. Secretary, are we taking steps in research and development of an antiballistic missile system?

Secretary McNAMARA. Yes, sir; we are. We have spent something on the order of \$800 million, if I recall, to date, and we are requesting funds be appropriated in fiscal 1964 of \$450 million for that purpose.

Senator KUCHEL. When President Eisenhower announced his unilateral moratorium, it was an across-the-board moratorium; was it not?

Secretary McNAMARA. Yes, sir.

Senator KUCHEL. I asked this question yesterday. President Kennedy, in his speech to the Nation of over a year ago, indicated that we would never be caught short again, as you and I hope and pray, and we are assuming that we are taking arrangements we will not be caught short again. Secondly, he indicated that there would not be a stable of American scientific brainpower available if tests could not be seen down toward the end of the road.

Would it be your statement that since underground testing is not prohibited in this treaty that the statement of the President ought not to apply here?

Secretary McNAMARA. Yes, Senator KUCHEL. I think it is quite a different situation where we will be able to carry on a large number of development projects through underground tests on the one hand, versus complete prohibition of tests in all environments on the other hand. In the latter case, it would be far more difficult to maintain the vitality of the laboratories than it would be in the former case.

CALL FOR PRESENTATION OF ALL POSSIBLE INFORMATION

Senator KUCHEL. Just this statement and then I am through, Mr. Chairman.

I am most grateful, sir, that you share the views of some of us that to as great an extent as possible this record may disclose all the pros and all the cons involved in this treaty—not, of course, violating a sensitive security question. This is going to be important, not simply for the Senate, but for the people we represent in endeavoring, (a) to find the proper answer, and (b) to have the people approve what is done here.

Secretary McNAMARA. I strongly support that position. Even though, as I say, Dr. Teller's statement recommends against support of the treaty, I will make every effort to declassify every possible element, including all his arguments against the treaty, so that the committee and the public may be informed of the opposite point of view.

Senator KUCHEL. And the question of intent, as I have enumerated it here, I think is most important. And I understand, then, sir, that the administration will supply for this record—

Secretary McNAMARA. Yes; we will be happy to do so.

* * * * * CHIEF'S AGREEMENT WITH GENERAL TAYLOR'S STATEMENT

Senator KUCHEL. General LeMay, in the statement which General Taylor read to this

committee several days ago, he said in part, and I quote:

"The broader advantages of the test ban treaty have led the Joint Chiefs of Staff to conclude that it is compatible with the security interests of the United States and to support its ratification."

Is that a correct statement of the position of the Joint Chiefs?

General LeMay. I believe so; yes, sir.

Senator KUCHEL. It is fair to say that every member of the Joint Chiefs does support the ratification of the treaty?

General LeMay. That is correct.

Senator KUCHEL. Every day letters have come into my office from people who have on a number of occasions (as have all of us) read statements in the public press to the effect that in reality the Joint Chiefs of Staff opposed the treaty; that, and I apologize for repeating this statement into the record, that they have been "brainwashed," and that this proposal does not have their approval but rather their opposition.

I think the American people, and the men and women in the Senate, share a very great respect for you and for your colleagues in the Joint Chiefs, and, therefore, while it is repetition, I think it completely necessary for all of us to understand that there are risks involved which will, I take it, be explored in greater detail in an executive session because of the security factors involved.

But for the record, for the benefit of the people of the country, it is then true without any qualification that in acting simply and solely to determine the best interests of the people of the United States, it is true that every member of the Joint Chiefs of Staff supports the ratification of the treaty.

General LeMay. I would like to amplify a little bit on your question, Senator.

NO BRAINWASHING

First of all, as to the brainwashing. I would resent very much any attempt to put pressure on me to come up with an answer either way on this treaty. I recognize that I have not only a responsibility to the President and the administration but that I have one to the Congress and to the people of the United States also.

So, I say again that there has been no pressure applied to me in this matter, and I have come up with the best possible answer that I could give based on all of the knowledge that I have in the military profession in nuclear science, and with all of the input that I could get from everyone who could talk intelligently on this subject.

As to the decision itself, we all feel that there are possibly some political gains that might accrue to the country that would be very important if this test ban treaty were ratified. I think each of us in the Joint Chiefs attaches importance to these political gains. As to how great they might be or how much benefit might accrue from them, I am somewhat more pessimistic than the other Chiefs are in this regard.

But if we provide the safeguards we mentioned in our paper, I believe that the military and technical disadvantages that the treaty would bring about could be offset to a point where they would be acceptable and the country should have a chance to make these political gains if, in fact, they could materialize.

Perhaps the other Chiefs would want to amplify my remarks a little on that.

INDEPENDENT DECISION ON TREATY

General WHEELER. Senator, my position as regards pressure is exactly that of General LeMay. I, too, would resent any pressure being put upon me.

Of course, every official is subject to pressure. He has the pressure of his conscience, the pressure of his professional integrity, and the pressures of his duty to the President, the Congress and to the people of the United States. I arrived at this conclusion inde-

pendently, and at the same time arrived at the same point as did my colleagues.

All of us have reservations in this area. I think the reservations are well spelled out in the paper which we presented to the Congress. In the purest sense of the term any agreement or treaty which limits the manner in which we develop our weapons systems represents a military disadvantage.

On the other hand, there can also be military advantages, and certainly there can be political advantages, to the overall good of the country. I think General LeMay is correct in saying that each of us probably assessed the various risks and the various advantages with a slightly different weight.

However, the net result you can read. We all agreed that in toto the treaty is acceptable.

Senator KUCHEL. Even more than that, however, sir, is it fair to say that each member of the Joint Chiefs of Staff used the language of the Chairman, "Supports its ratification."

General WHEELER. That is correct, sir.

Senator KUCHEL. Any further comment, Admiral?

Admiral McDONALD. I have nothing to add to what General LeMay and General Wheeler have stated other than to say for myself that no pressure whatsoever was put upon me.

Senator KUCHEL. Thank you, sir.

General SHoup.

NO PRESSURE FELT

General SHoup. I agree with that statement. I would like to—I suppose this is the time, if I came back here to say something this is the time to say it.

I hold a very unique position amongst the other service chiefs inasmuch as the likely value of my views and counsel has been limited by legislation to the matters in which I declare the interests of the Marine Corps are directly involved.

In this particular item I did not take the position of direct concern. However, I did avail myself of the opportunity and privilege of being present during all the discussions.

In addition I was called for by the Commander in Chief and the Secretary of Defense in person and in private and I presume that if pressure was being used I would have found it out.

There was no such indication whatsoever.

I would like to make one other statement. That I believe that there is a possibility of getting our orientation too closely frozen to this business of a nuclear exchange.

Obviously, we want to avoid nuclear blackmail, and it is by these safeguards that are stated here that is intended to be provided for.

FIFTH SAFEGUARD TO FIGHT COMMUNISM

Nevertheless, I would like to point out that I believe one of the main purposes of our Government is to prevent the spread of communism and the Communist system.

Then I would like to call your attention to the fact that communism has not yet been spread by the use of nuclear weapons, and I think a fifth safeguard is an essential one at this time and that is our efforts should be tripled against the spread of communism by methods other than the use or the threat of nuclear weapons.

Senator KUCHEL. Thank you, sir. Both you and Admiral McDonald do then support the ratification of the treaty?

General SHoup. I do.

Admiral McDONALD. I do.

Senator KUCHEL. I thank you very much, because, and I repeat this, you gentlemen and the chairman are held in the greatest of respect by the American people. I think it is a very wicked insult to a man in uniform operating in the seat of responsibility as each of you do, to say publicly that you are not reflecting what your own views are. I very much appreciate your assurances for the record.

That is all I have now, Mr. Chairman.

Senator KUCHEL. We have got some Senators who said they were for this treaty almost immediately. We have got some others who said they were against it almost immediately. I think the rest of us are the great majority. I think we would like to approve the treaty but we don't want to make a mistake.

I don't think there is a scientist in the crowd. God knows there is not a military expert in the crowd.

Now, I think most of us would feel far more comfortable if, as has now been the case, the members of the Joint Chiefs of Staff have indicated they favor the treaty, subject, however, to certain things which to my lay mind simply must be done.

GENERAL LE MAY'S POSITION ON TREATY HAD HE BEEN ASKED DURING NEGOTIATING STAGE

As I left the Senate a few minutes ago to come down here, on the ticker, General LeMay, there was a paragraph, which said that had this treaty been in the negotiation stage and you were asked your own opinion, you would have objected to it. You would have felt that it should not be entered into.

Was that a correct quotation?

General LeMay. I think I said that. Maybe I didn't qualify my statement now. I said I thought I would probably be against it. But I have spent a lot of midnight oil on this particular question, on the treaty, we had in our hands that we could look at, looking at the disadvantages, looking at the advantages, and trying to come up in my own mind with a recommendation that I would give to you people, I have spent a lot of time.

I haven't spent as much time on any other subject that has ever come before the Joint Chiefs of Staff, and it has worried me a great deal as to whether I came up with the right answer or not.

Now, with all of that time that I have spent trying to come up with a specific recommendation on a specific treaty, then to be asked some hypothetical question of what I would do, I don't know exactly. I just say I think I would, but I am not sure.

Senator KUCHEL. I wish maybe on the open record that type of answer might be put in because that is the sort of thing many people—

General LeMay. I have no objection to that answer going in the open record. We all like to have a second time, Senator. I wish I had said it then.

Senator MANSFIELD. Will the Senator yield?

I think General LeMay has a very valid point. No one would have known what they would have done 2 or 3 weeks ago. At the time no one could have known. How could you give a definite answer?

Senator KUCHEL. All I say is I noticed the ticker upstairs says that. It is the sort of thing that will make people in the country wonder.

The CHAIRMAN. Let the record show that the general thinks this answer is appropriate for giving it to the public.

Is that correct?

General LeMay. I have no objection to it.

The CHAIRMAN. Elaborate on it so we can have it clarified.

Without objection, that will be made available.

EFFECTIVENESS OF DETECTION METHODS

Senator KUCHEL. General, just in lay terms, is our detection system with respect to atmospheric nuclear explosions sufficiently efficient so that we would know if there were an attempted clandestine breach by the Soviet Union?

General LeMay. The answer to that has to be "No," because I don't think we can detect every explosion that they may attempt in the atmosphere any place in the world.

Now, we have some figures; I am sure you are familiar with them as well as I am, but we cannot guarantee to detect every explosion; no, sir.

[Deleted.]

EFFECT OF LARGE MEGATON WEAPON ON A SUBMARINE

Senator KUCHEL. I wanted to clear up, Admiral, your answer to Senator PASTORE this morning, and I am not a member of the Atomic Energy Committee. I think he raised a question with respect to the impact of an extremely large nuclear warhead upon the capability of a Polaris missile [deleted].

Admiral McDONALD. I believe the question was what impact would it have; would it have an adverse impact upon the communications of the Polaris submarine?

My answer was—

Senator PASTORE. With the permission of Mr. KUCHEL, I think we ought to read General Taylor's answer to that question. That is the reason I asked it so that you would have the full context of it.

"General TAYLOR. Admiral McDonald really should answer the question. I would say from what I know we have so many duplicating pairs for communications that we would have no problem communicating with any one of our weapons systems or the essential elements of those systems, although, obviously, some fraction might be lost."

Admiral McDONALD. May I go ahead, sir? Senator PASTORE. Yes.

Admiral McDONALD. When the question was asked this morning my immediate thought was the effect that a megaton bomb would have upon the communications system of the submarine were the bomb applied to the submarine, in other words, a megaton underwater burst near the submarine, and that is the reason I said "Quite likely." I had studied earlier this morning something that Admiral Anderson had worked up because of a question that was asked him in the spring [deleted].

Now, if we are speaking, as I understand now, of the communications, not of the submarine but to the submarine from the shore, I doubt very much if it would adversely affect them, because we do have duplicating systems [deleted] I realize that there are some who ask, What will happen if these megaton bombs create a communications blackout?

Well, I don't know, and I am not certain that our scientists know positively that such a thing will happen.

But if it does, I think it would have less effect upon the Polaris system than any other because the Polaris system does not have to be as immediately responsive.

Senator KUCHEL. So when you answered across the street this morning "quite likely," you now qualify that?

Admiral McDONALD. Very definitely, and the "quite likely" would apply to the communications of the submarine if a megaton bomb was exploded in the water close to the sub.

Senator KUCHEL. To the extent that that answer could be stated in a nonclassified fashion, I think that, too, ought to go in the record that is going to be printed and distributed.

The CHAIRMAN. I think it would be well to do this, although the admiral clarified his statement at the end of the meeting. Were you there?

Senator KUCHEL. No; I was not.

The CHAIRMAN. At the end of the meeting, he clarified his statement quite clearly.

Admiral McDONALD. I don't believe we would like to have unclassified the distance at which we calculate—

The CHAIRMAN. No.

Admiral McDONALD (continuing). We calculate this will destroy the submarine.

The CHAIRMAN. I believe when you see what he said at the end it is pretty well taken care of.

Senator KUCHEL. Yes, sir. Just one more question.

REASONS FOR FAVORING RATIFICATION

On the plus side, General LeMay, could you outline what, in the opinion of the Joint Chiefs, are the reasons which impel you to favor the treaty, reasons particularly that affect the potential security of our people, if there are any?

General LeMay. Well, the political advantages that might accrue from this are a great number. We have talked at great length with Ambassador Harriman and Secretary Rusk on the advantages. Some of them are, one, the cleavage that now exists between Russia and China—

Senator KUCHEL. Yes, sir.

General LeMay. [Deleted.]

Another one is that if we can satisfy Mr. Khrushchev as to our nonaggressive designs, and we can get him to pull back into the Soviet Union and concentrate a greater number of his resources on consumer goods, on his agricultural program, and things of that sort, rather than going off on excursions to further communism worldwide, this would be a political advantage.

Those are the two main things, that I would attach the most importance to.

Perhaps the others would recall others.

General WHEELER. I certainly agree with General LeMay so far as he has gone [deleted]. I would go a step further in merely calling this political. It is politico-military.

I think this matter of tensions is important. If a reduction in tensions can be achieved—although I would certainly argue whether weapons cause tensions or tensions cause weapons—perhaps we will have an opportunity to deal with some of the very sticky problems such as Berlin, Cuba, and others which plague us.

The matter of proliferation has been put forward as being a military advantage. I would certainly say this: If we can restrict the proliferation of nuclear weapons, this is a military advantage as well as a political advantage.

Now, I certainly do not have any idea, gentlemen, that the Chinese Communists or the French are going to be deterred in any degree in moving forward to become nuclear powers. However, I think Mr. Khrushchev is right when he points out that their capability is negligible, will be negligible for any foreseeable future that many affect us.

Certainly the smaller the nuclear club the better, particularly if you can keep these weapons out of the hands of more irresponsible and perhaps more adventurous nations. I would characterize these items as being military advantages as well as political advantages if they can be achieved, Senator.

Admiral McDONALD. I believe it has been pointed out that we all place different emphasis on various things even though we all came to the same final conclusion.

While I agree with General Wheeler that some of these things are normally considered political by some people, they really have great military advantages, I think perhaps we might have some other military advantages, too, purely technical military advantages.

It is generally accepted, I think, that we are ahead in our underground testing techniques. In that connection, General LeMay says that we aren't sure the Soviets didn't conduct a rather thorough underground program. The fact remains, however, that some of our scientists have said the knowledge which we do have of the status of Soviet [deleted] weapons leads us to believe that [deleted] would have been much more efficient. That is one reason we think we are ahead in underground testing.

We are both permitted to conduct rather unlimited, really unlimited underground tests under the treaty. I believe we can use

this additional knowledge that we already have to great advantage provided we don't agree that there is an end of progress in sight.

Once again, I agree with General LeMay, I am not sure there is an end, and if we are way ahead of them in underground testing I am not sure they will ever catch up, at least we will have a few years to watch them.

Senator KUCHEL. Is it not reasonable to assume, however, that scientific brains on both sides of the Iron Curtain and with two conflicting forces using those scientific brains, that the one that is behind is going to have a tendency to catch up and the one that is behind in one particular field where atmospheric testing is important is going to be restricted in going ahead with that?

Admiral McDONALD. I think the tendency is for the gap to be closed; yes, sir.

Senator KUCHEL. It occurs to me, Mr. Chairman, and then I am through, that General LeMay's point of view reflecting those of the Joint Chiefs of Staff in recommending this treaty, is on the basis of hope for the best, but prepare for the worst. With the specifications they suggest which unquestionably, I feel, will be carried on, the risks that you outline in your judgment would be held at what you would call an acceptable minimum.

Thank you, sir.

DOES TREATY LIMIT U.S. RIGHT OF SELF-DEFENSE?

Senator KUCHEL. First, sir, I was very deeply moved by a remarkable presentation of your viewpoint, because you have enriched this country by your citizenship, and you have added to the sinews of strength of this Nation to maintain its freedom. All I can say is that I was quite honored to listen to you this morning. The points you raised which are complex, difficult for a layman to understand, simply add to the burden that a hundred Senators are going to have.

First, I want to point out, however, that in one comment you made: in your judgment this treaty is something more than a test ban; in your judgment, sir, this treaty would restrict or tend to interdict the use of America's nuclear arsenal in time of war.

On that point I begin to feel somewhat qualified to disagree for until this morning, and I observe parenthetically I have had an opportunity to speak with you and to enjoy and try to listen and to absorb your thinking on that point, none who has come here thus far has hesitated for a moment in stating that this is a test ban in three environments, period.

And I sincerely believe if the Senate were to approve the treaty it would be on a full and complete understanding that the American Government would take the position that this proposal now before us is a proposal to prohibit the testing of nuclear explosions in three environments. It would not prevent the man in the White House, whoever he would be, to act as Commander in Chief in the defense of our country or in the fulfillment of our collective security commitments in determining what part of our defensive arsenal should be used for that purpose.

But since you have raised it, I think the question should be made abundantly clear and it should be answered unequivocally.

DIFFERENT OPINIONS AMONG SCIENTISTS

Dr. Teller, in the group of uniquely skilled and qualified nuclear physicists in our country, it is true, is it not, that there are divergencies of view from those you have expressed this morning?

Dr. TELLER. There certainly are.

Senator KUCHEL. So that for a common layman the difficulties which face them when they become Senators, in this instance, are dreadful.

EFFECTIVENESS OF POLARIS SYSTEM

I try to find some things that I can tie to in making up my own mind, which I have not done so far. At any rate in the technical arguments you raised this morning which are powerful and pointed, would those arguments apply to such defensive systems as the Polaris defensive systems?

In other words, you have suggested that the treaty would restrict our creation of an ABM system, and that it might damage, if not destroy, our capacity to retaliate. Is it your statement that it might damage and destroy the capacity to retaliate now possessed by the Polaris system or simply to the hardened missile sites which you described and to those other segments of our defense?

Dr. TELLER. I could answer this question very much better in executive session.

Senator KUCHEL. Then I would like to have you do that this afternoon.

Dr. TELLER. I would like to say that I believe—this much I can say in open session—that by expanding and perfecting our Polaris system, we could ameliorate the situation. This is one phase of the general situation where—to which I have referred when I said it, that this treaty might still be compatible with our safety, if we make up in money what we haven't acquired in knowledge, and that in this sense it is a step toward the arms race rather than away from it.

SCOPE OF TREATY QUESTIONED

I would also like to say with respect to your remarks something that is an appeal rather than a statement, and I would like to reface it by telling you of an occurrence which deeply disturbed me, which occurred actually the day after I saw you.

I met with Mr. Foster from the Disarmament Agency, and I mentioned to him my worries about our using these instruments in case of real need, invasion of India or something of that kind. He assured me that it is clearly understood between the Soviet Union and ourselves that in case of war these things do not apply.

Then privately, as we were walking out to the elevator I asked him, well, if this is so, would it not be good for the sake of clarity, to spell this out in the treaty as a reservation or something?

He said, "The Soviet would never agree to that."

(The following supplemental information was subsequently furnished:)

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, August 22, 1963.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: In the course of his testimony before the Foreign Relations Committee on August 20, 1963, Dr. Teller, in suggesting that the test ban treaty should have contained language clarifying the fact that it does not restrict the use of our nuclear arsenal in time of war, alluded as follows to a recent conversation he had with me:

"I met with Mr. Foster from the Disarmament Agency, and I mentioned to him my worries about our using these instruments in case of real need, invasion of India or something of that kind. He assured me that it is clearly understood between the Soviet Union and ourselves that in case of war these things do not apply."

"Then, privately, as we were walking out to the elevator I asked him, 'Well, if this is so * * * would it not be good for the sake of clarity, to spell this out in the treaty as a reservation or something?'"

"He said, 'The Soviets would never agree to that'" (transcript, p. 766).

I would like to make the record clear as to what I meant by this casual remark.

No. 144—10

First, since it was clear to me that the Soviets understood the treaty in the same way that we did (as I had just told Dr. Teller), I was convinced that they would not agree that any clarification was needed. Much of the evidence on which I based this conclusion is set forth in the opinion of the Legal Adviser of the Department of State, dated August 14, 1963, entitled "Meaning of the Words 'Or Any Other Nuclear Explosion' appearing in article I, paragraphs 1 and 2 of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Underwater."

Second, since the treaty had already been initialed and signed by the three original parties, and, at the urgent invitation of the Soviets as well as ourselves, by a large number of other nations, it seems clear to me that the Soviets would not agree to reopen the negotiations, require resignation or reconsideration by all of such parties, and defer the date on which the treaty can become effective, merely for the purpose of adding more words to clarify an intention which they did not consider required any clarification.

Third, my experience in negotiating with the Soviets over the years had convinced me that they would oppose legalistic qualifications in the treaty language which were not absolutely necessary, because of their belief that such qualifications would tend to reduce the directness of the appeal of the treaty to the mass audiences on which they would like it to have an impact.

Sincerely yours,

WILLIAM C. FOSTER.

Dr. TELLER. I should say that those of us who are trying to testify from different points of view about technical subjects should try to make things on the technical side as clear to you as possible, so that you should not make your decision under the authority of so and so, but on the basis of the objective evidence that you culled from our partly contradictory testimony.

I would be much happier if a similar attempt would be made in the legal field because in this legal question I am utterly confused. We don't mean it but we must say it. I don't see why.

Senator KUCHEL. The only document or writing which bears on the intent of the parties, if we try to analyze the legal aspects of this compact, was the agreed-upon communique which was issued at the time the treaty was initialed. It appears to me that the whole essence of that agreed-upon communique was to restrict the area of the agreement to nuclear testing in the environments mentioned.

But I must say, as I have listened here these last 7, 8 days, there are questions of the intent of the parties in other fields that require additional testimony. However, I say with profound respect, that I would disagree with you on that point in your statement.

VIOLATION OF TELLER PROPOSAL POSSIBLE

Dr. Teller, in the Teller-Libby proposal for a test ban of several years ago, would there have been any possibility for a clandestine breach by the Soviet Union of your proposal without the United States discovering the breach?

Dr. TELLER. I think the answer is "Yes." But I do not think that this probability would be at all great.

Let me tell you what kind of a breach could occur, and this example in itself might tell you the quality of my confidence in this treaty.

This treaty might—should—prohibit a test in the atmosphere, in the ocean, and the Russians could send a ship to the South Atlantic, launch a big explosion from there, which makes a sizable contribution to this

megaton fission product, and then say it was the United States.

We would know about it. In this sense they may cheat. Or they might say it was the French. Wherever there is a treaty there is at least some chance of a breach, but I don't think that this breach would be so much a clandestine breach. It would be sort of a brazen breach.

Senator KUCHEL. Insidious.

PROBLEMS OF ABM DEVELOPMENT WITHOUT TESTING

President Kennedy, in his news conference several days ago, indicated that those upon whom he was relying rather felt that the problems of developing a missile defense were almost insurmountable.

This Congress, if I recall, has appropriated about half a million dollars to commence the studies. I asked the Secretary, Secretary McNamara, and Chairman Seaborg if we were proceeding under that appropriation and they both said, "Of course, yes"; which I assume would be completely correct.

Your statement is that we can proceed toward the development of a missile defense system but that, in your opinion, in the absence of testing in the atmosphere you would be unable to guarantee the efficiency of such a system.

Dr. TELLER. That is right, and furthermore, in the absence of such experimentation statements like that of the President could be more easily made and could have more easily an effect.

EISENHOWER MORATORIUM

Senator KUCHEL. We are all Americans. I thrilled to General Eisenhower's statements as I did to President Kennedy's address at his inauguration. All of us in this country seek peace with justice. All of us, I think, have hoped over these last many years that we might be able to inch ahead in prohibiting or in restricting and confining the development of these horrible weapons of destruction.

We prayed that time would be on our side. President Eisenhower's unilateral decision for a moratorium across the board, I think most of us in this room, as laymen and as people seeking peace, felt was right.

I know you, sir, felt that from the standpoint of the security of our country, that decision was wrong. Nevertheless, we were astounded when the Soviet Union first accepted it on its own and then broke it.

TELLER RECOMMENDATIONS ON ARMS CONTROL

One question: How would you as an American citizen suggest to your Government that the arms race, particularly the nuclear arms race, be controlled and be made to subside and how would you recommend that proliferation be prohibited?

Dr. TELLER. I would recommend three measures. One I have already mentioned to you—the proposal of Libby and myself.

The second goes more closely to the heart of the matter. Arms limitations are not possible unless there is openness. What is the real preventive of any arms limitation is secrecy.

Senator KUCHEL. Is what?

Dr. TELLER. Secrecy, the enormous weight of Soviet secrecy. This is what we have to fight.

Now, we can do something to fight it. We have secrets, too. The Russians know all our secrets, I believe, all our important secrets. Sometimes I fear that the Russians know all the secrets we are going to discover in the next 2 years. But we don't tell it to our people. We don't tell it to our allies, and by having some secrecy we have a harder time to convince the Russians, individual Russian scientists and Russian people, some of whom don't like secrecy either. We should try to convince them that this is the

heart of the matter. Here is another thing where unilateral action could do a lot of good.

Abandon as much of secrecy, particularly technological secrecy as possible. Nobody needs to know where our Polaris submarines are going, that is proper, that is operations. But technological secrecy only leads to confusion, and is not in agreement with the basic institutions of the United States.

The third thing that I recommend is that we strengthen the ties within the Atlantic Community, strengthen them to the point where we can feel that we can act as a unit, as a strong unit within which there are no secrets, and which can act in concert.

The best deterrent to De Gaulle is if he does not need a nuclear explosive.

Senator KUCHEL. Thank you, sir.

Senator KUCHEL. Dr. Brown, your statement was very excellent. I find it very useful. As a scientist, you have a facility to express yourself in relatively understandable English although I must say that when you speak of the "fourth power," you lose me.

Dr. BROWN. That was an interpolation, sir.

CAN ABM SYSTEM BE DEVELOPED WITHOUT TESTS?

Senator KUCHEL. Yes, sir; Dr. Teller, in opposing ratification of the treaty, described it in his opinion as a step toward war.

Generally speaking, in his opinion, the treaty would restrict or prevent the development of an operational ABM system, and it would undermine the credibility of our retaliatory capability.

Do you agree with that or disagree?

Dr. BROWN. I disagree, Senator KUCHEL. I have known Edward Teller for a dozen years. I have been not only a close professional associate but he has been a dear personal friend of mine. I have had, and do have, the greatest respect for him, and I have had, and do have, a deep personal affection for him.

On this matter we disagree. He thinks I am wrong. I obviously think he is wrong.

Senator KUCHEL. Would it be your testimony that it is not necessary in the construction or the fabrication or the manufacture of an antimissile defense system for atmospheric testing in order to provide a credible defense system.

Dr. BROWN. I am not sure that an effective system can be provided at all, but if it can, the degradation by not being able to do atmospheric tests will be a small part of the problem—will be a small degradation.

In all of these meetings that I have mentioned in connection with Senator MANSFIELD's question, when the people who are working on ballistic missile defense talk about the main problems, or the main new and exciting ideas, almost everything that they say has nothing to do with nuclear testing.

Senator LAUSCHE. Nothing to do with what?

Dr. BROWN. Nuclear testing at all, and of what does have to do with nuclear testing, only a fraction of it has to do with nuclear testing in the atmosphere.

Senator KUCHEL. So that in your judgment the restriction of the treaty would not crucially affect our capacity, whatever it may be, to develop an antimissile system?

Dr. BROWN. I would go further than that and say it would not seriously affect our capacity. I don't want to say that it is not useful information but it will not seriously hamper our development.

UNCERTAINTIES REDUCED AS RESULT OF HARD SITE TESTS

Senator KUCHEL. In your statement on page 3 you say, in part:

"The effects of surface bursts on hardened structures such as missile sites have been studied in the United States by means of several low-yield explosions."

Later on:

"Some uncertainty remains in our minds about the effects on hard sites. The Soviet Union appears to be in the same situation regarding the effects of surface bursts."

And then later on:

"The separation and numbers of our projected Minuteman force in addition to their hardening certainly provide adequate margin against these uncertainties as well as the uncertainty in the precise distance at which a given yield can destroy a site."

Again referring to the testimony of Dr. Teller yesterday he seriously questions the treaty specifically because in his judgment nuclear testing in the atmosphere is vital to the security interests with respect to this problem about which I have just quoted you.

When you describe the several low-yield explosions which we have undertaken to determine an effect on the hardened missile sites now in an operational status, are your conclusions that they are in a satisfactory security status—again in derogation or in opposition of what Dr. Teller's position is?

Dr. BROWN. I think that here we may not be in opposition so much on the facts but perhaps on the conclusions. I believe that our past tests have reduced uncertainties in how close an incoming missile has to land in order to knock out our base by a substantial amount. Some uncertainty remains.

On the other hand we know if they hit close enough they are going to destroy our hardened bases that is why we have separated them and that is why we have hardened them and that is why we have so many of them.

The uncertainties in the accuracy and the uncertainties in the yield of the Soviet attack that might be launched in 1970 have had to be compensated by these various measures.

These same measures automatically compensate for the remaining uncertainty, in the vulnerability of our sites.

For example, supposing that our sites aren't as hard as we say, as we think—although the Soviets, if they have any sense, will assume them to be even harder than that in their targeting—it might be that if they could only withstand one-fifth or one-sixth or one-tenth the shock, a missile could land twice as far away and still knock out the missile system. But we have separated them enough and can separate them still farther so that they can't knock out many at once.

Senator KUCHEL. You use the words "low yield" in describing the explosions that were made.

HIGH-YIELD TESTS WOULD HAVE REDUCED UNCERTAINTIES

Would it have been better to have any additional tests of high yield?

Dr. BROWN. Yes; I believe that the uncertainties could have been reduced still further by high-yield tests, and some of the projected tests that we could do would be high-yield tests; these would be so high—in order to do any good beyond what we now know, that they would certainly be detectable if the Russians did them. We have not and we know that the Soviets have not, done much high-yield tests near the ground.

Senator KUCHEL. Is it important whether it is near the ground or not near the ground?

Dr. BROWN. Oh, yes, if you are going to find the effect on a hardened missile site on the earth shock you have to do the test near the ground.

Senator KUCHEL. Then your statement on the Soviet history in this field is based upon your intelligence reports?

Dr. BROWN. Yes.

HIGH-YIELD EXPLOSIONS—DIFFICULT TO PREPARE SAFELY

Senator KUCHEL. I wonder why we didn't have any high-yield explosions close to the ground in our last testing?

Dr. BROWN. Well, in the first place, we had some before, but as has been pointed out, that was a time when we didn't have hard sites to test them on.

It turns out that in order to do a decent hard-site vulnerability test you need to do it in the same kind of ground as your missile sites, and the area in the Pacific that was available to us isn't that kind.

In the second place, carrying them out close to the ground produces large amounts of local fallout, and can, therefore, be fairly dangerous to the inhabitants in the vicinity. In order to get ready for something like that would take quite a long time.

Senator KUCHEL. Dr. Brown, I don't think we are going to have any disagreement on this statement by anyone here at the table or by you or anyone seated here.

WEAPONS—FOR DEFENSE ONLY

The goal, the basic goal, of the United States is the security of the people of the United States in a world at peace with justice. That is what our leaders have said, that is what I am sure we believe. We are a peaceful people.

We maintain a defense, we maintain a nuclear arsenal, not for purposes of aggression but for purposes of potential defense. We oppose proliferation of nuclear nations even by statute in one instance.

You say at the conclusion of your paper:

"The limited effect of the treaty on our strategic superiority means that the benefits to our security in the broader sense will not be outweighed by military technological factors. Having satisfied myself as completely as humanly possible that the proposed treaty cannot substantially impair our strategic superiority if we take the steps outlined, I find the arguments for it on broader grounds persuasive, and I fully support its ratification."

Now forgetting all the technical aspects of your paper and the disagreements which exist between scientists who appear here and testify for it and against it, will you tell this committee as an American citizen, why you believe this treaty ought to be approved by the U.S. Senate on broad grounds?

Dr. BROWN. I should point out that in doing so, I speak—

Senator KUCHEL. For yourself.

Dr. BROWN. Not as a broad expert, not as an expert on the broad picture, although I have been involved in this now for 5 years, very deeply. I come to it with whatever biases a technical person automatically has, and I have that view of things.

ARMS LIMITATION TREATY—ONE STEP TO SECURITY

The arms race has not provided anyone with permanent security. Arms limitation will not automatically provide anyone with permanent security. But I believe that we must pursue both our own military strength and whatever we can achieve in the way of enforceable arms limitation agreements.

Otherwise the hopes, I am quite sure the hopes of many people that somehow we will be able technologically to invent ourselves out of the arms race are not going to succeed.

Senator KUCHEL. Do you regard this as an arms limitation treaty in any respect?

Dr. BROWN. It does limit arms development. It does not reduce armaments but it does reduce arms development. I believe that unless we get some kind of arms limitation as well as maintaining our own military capability the next 10 years are going to see further degradation in everyone's security as other nations obtain nuclear weapons, less responsible ones than have them now, I think that will make everyone less secure.

I don't say this treaty is going to solve that or produce the millenium but I think in the absence of this treaty, which has represented the first step, no one can go on to anything else.

I think that we, having taken this first step, have to consider other arms limitation possibilities, reject them if they are not in our security interests. I believe in only that way can we do something to keep our security from getting worse.

I don't think this is a panacea, but having satisfied myself that it is not going substantially to reduce our strategic superiority, if we do everything that also we can and should do, I believe that the treaty should be approved for these broader reasons.

RISKS—BUT NOT SUBSTANTIAL

Senator KUCHEL. You do not believe that it constitutes a risk to American security?

Dr. LIBBY. I believe that there are risks in the treaty. I think if the Soviets cheat as much as they can, and then make a surprise test, even if we are as ready as we can be, that they will make certain gains.

I don't consider them to be substantial.

Senator SPARKMAN. Senator, your time is up.

Senator KUCHEL. Thank you, Mr. Chairman.

DR. LIBBY'S POSITION ON MORATORIUM DURING AEC CHAIRMANSHIP

Senator KUCHEL. Dr. Libby, first the committee is honored to listen to you, and I certainly have enjoyed listening to your answers.

Did you participate, Dr. Libby, in the discussions that I assume took place before General Eisenhower announced his unilateral moratorium?

Dr. LIBBY. Yes, I was on the Commission, Senator.

Senator KUCHEL. Did you recommend such a moratorium by General Eisenhower?

Dr. LIBBY. Well, we had many, many discussions and I think it is fair to say that the Commission was worried about this but went along with it. I should remind you that the Commissioners are not individually in the Presidential confidence. It is usually managed through the chairman.

Senator KUCHEL. Did you make your own views known, Doctor?

Dr. LIBBY. My own views were not in any essential disagreement with the action which the President took.

SUPPORT IN PRESIDENT EISENHOWER'S DECISION FOR MORATORIUM

Senator KUCHEL. Would it be fair then to say that you supported the President, President Eisenhower's decision?

Dr. LIBBY. I was worried but went along, shall we say.

This is a feeling that, well, we can detect and we can be prepared. This latter point was a source of some disappointment to me. It does prove rather difficult to keep the laboratories right on instant notice or coming out with meaningful or very important new things to do, you know, without the scientists knowing that they could carry them forward, and the things they had on tap were useful, but I think there is no doubt that the significance of the Soviet series, as they undertook it in 1961 far overshadowed the significance of our testing in 1961. We were caught off base, to put it bluntly.

Senator KUCHEL. It is fair to say you did approve President Eisenhower's decision on the moratorium, but—

Dr. LIBBY. Went along with it.

Senator KUCHEL. But you were worried about it. Is that about your position on this treaty that you approve it, but you are worried about it?

Dr. LIBBY. That is it more or less. You see when you consider everything, not just the technical aspects, it is more or less a worried reluctant acquiescence, I would say would be the best way to describe it.

DISTINCTION IN CONDITIONS UNDER MORATORIUM AND TREATY

Senator KUCHEL. Is it fair for this committee and for the Senate to make this distinction between the situation under the

moratorium and this proposed treaty, to wit: That under the moratorium there was no testing as you have just suggested, but under this treaty there is underground testing so that the stable of scientific brains can remain active under this treaty whereas it could not under the moratorium, is that a fair statement?

Dr. LIBBY. I certainly agree with that. It seems to me there are enough opportunities for testing out things in principle, and I would point out, Senator Kuchel, that by and large Los Alamos and Livermore are not what you would call effects laboratories.

They do effects, but by and large they are after the principle of the explosion and how the thing works, and so except for this all-important area of the—this very important area in my mind—of the very large weapon they can carry this forward.

Now, they can be in good scientific fettle and have good ideas and plans on the basis of this, I believe.

DETONATION OF 65 MEGATON ENABLES DEVELOPMENT OF 100 MEGATON

Senator KUCHEL. Now, Doctor, do we know whether the Soviet Union detonated a hundred-megaton device?

Dr. LIBBY. Well, I think we are sure they did not, and that the one they shot was somewhere around 65, I forget the exact announced number.

Senator KUCHEL. Is it feasible for a nation in testing a 65-megaton bomb automatically to construct a 100-megaton bomb?

Dr. LIBBY. Yes, sir.

Senator KUCHEL. Is it feasible for this country to construct a 100-megaton bomb on the basis of the tests that we have had?

Dr. LIBBY. I do not believe so. The extrapolation is too great.

DIVERGENCE OF VIEWS PRESENTED

Senator KUCHEL. Now, you suggest, Dr. Libby, in your statement, "to your fullest satisfaction the facts as presently known on the point of whether the possession of this weapon"—referring to the 100-megaton bomb—"is a commanding advantage to the Soviet."

I read into the problem for these Senators two basic issues, among others: One is the security of the American people, and two, it is the prayer of the American people, and the people of the world, for world peace.

There isn't a nuclear physicist in the bunch here, and in spite of some of the comments occasionally, I doubt that there are any military experts in the U.S. Senate. There are some political experts, my friend from Nebraska suggests; I think that is probably true.

So in order to make our decision we call the scientific experts; you are one of them. We call the military experts. We call the members of the Joint Chiefs of Staff. Every one of the Joint Chiefs of Staff recommends that this treaty be adopted providing we do certain things on our part.

In the scientific community, with very great regret I observe that there is a cleavage. Later on today we are going to have a very able American, one of your friends, and coworkers, Admiral Strauss, who will oppose the treaty; a very great scientist, Dr. Teller, at great length and with great eloquence, opposed it.

We have others yesterday who approved it. Now, let me put my tattered senatorial toga over your shoulders for a moment. [Laughter.]

Senator GORE. That is dangerous.

Senator KUCHEL. Well, just on a temporary basis. [Laughter.]

How would you make a decision when some scientists urge that we approve this, that others with equal and no greater patriotism urge we disapprove it, when the members of the Joint Chiefs of Staff approve it, and when other renowned military leaders now on active duty disapprove it?

Dr. LIBBY. Well, Senator, it seems to me you have no choice but to make up your own mind by careful investigation. [Laughter.]

Senator KUCHEL. You give me my toga back. [Laughter.]

This committee, I am going to say, is going to make up its own mind.

Senator HICKENLOOPER. If the Senator will yield to me.

Senator KUCHEL. I yield to my senior colleague.

Senator HICKENLOOPER. May I call his attention to the philosophy stated by one Senator a few years ago? He said, "Some of my friends are for it, some of my friends are against it, and I always stay with my friends."

QUESTION OF ADVISABILITY OF ATTACHING A RESERVATION

Senator KUCHEL. Doctor, what the Senate can do with this treaty, I take it, is approve it, ratify it, advise, and consent. It can disapprove it or, I suppose, some Members of the Senate may offer, what I think may be the correct legal term, reservations by way of amendment which, of course, would destroy the meeting of the minds which did take place in Moscow.

TACIT UNDERSTANDING REGARDING PEACEFUL USES

You suggest in your second paragraph of observation that some tacit understanding ought to exist with respect to the possible peaceful uses of nuclear energy. You do not suggest that the Senate write in any kind of an amendment, do you, Doctor, in considering this treaty?

Dr. LIBBY. Well, I am a little bit—I am poorly informed as to what kind of conversation went on in this treaty. I know, because I was on the AEC when negotiations first started in 1958, that the original delegations were instructed to make clear to the Soviets that Plowshare was a very important thing, and it was our concern to be sure that we could go forward with this kind of activity.

So it is more or less in that context that I suggest that insofar as you can, and agree that you should, or conclude that you should, you should make it very clear that if, for example, a Panama canal should be—we should dig one with atomic explosives, that some clear answer or some precedent for the conversation will be on record.

Senator KUCHEL. By that, I take it you mean that, in the discussion in the Senate?

Dr. LIBBY. That is right, sir.

Senator KUCHEL. Some time ought to be given to the hopes or the aspirations that if the treaty were approved peaceful uses requiring detonation in space might subsequently be negotiated into an agreement?

Dr. LIBBY. For example, I am not a lawyer, but I can well see the difficulty of carrying out the treaty literally where you say the, let's see, an atmospheric test is one that gives radioactivity beyond the boundaries. Well, this takes some defining technically.

You know we can detect very minute amounts if we want to be fussy about it. So I think this is going to be a technical question, a practical question of your judgment in any case and it might be that in the administrative handling of the practical problem there would be an opportunity to come up with a workable Plowshare definition, you see.

This is the kind of thing which might save Plowshare.

The CHAIRMAN. The Senator's time is up.

Senator KUCHEL. Does that include the time I yielded to Senator HICKENLOOPER?

The CHAIRMAN. I will give the Senator a half minute.

Senator HICKENLOOPER. I yield it back to you.

The CHAIRMAN. The Senator can have a half minute.

Senator KUCHEL. I think, Doctor, your third point is very well taken. I can understand it. I think it, however, is answered,

that is to say from the President down the caveats of the Joint Chiefs of Staff which you reflect are going to be met, at least that is what they tell us, and we must rely on that, and to that extent do you not agree that your point 3 is made and satisfactorily answered?

Dr. LIBBY. I would think so, yes.
Senator KUCHEL. Thank you.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. FULBRIGHT. I compliment the Senator on his very thoughtful speech. I need not tell him that I approve of his analysis of the present situation. I should like to ask him one or two questions. He recounted the history of the test ban treaty, going back to Mr. Baruch's proposal, which was in a sense an effort to control the development of nuclear weapons, on down through the Eisenhower proposal. This is essentially an American proposal, is it not; it originated with the American Government, not with the Soviet Government?

Mr. KUCHEL. The Senator is correct. From the very first, when American scientists first made the discovery, our Government has been intensely interested in having it devoted to peaceful purposes.

Mr. FULBRIGHT. They were also intensely interested in trying to control the proliferation, the danger of fallout, and the actual use in warfare. That was the original Baruch proposal, as I believe it was called. It had various forms; but it was an effort to restrain the development. We are not in the position of acceding to a request of the Russians. We have put forth a proposal. If there is anything to that argument, after many rejections and after the modifications with regard to underground testing, the Russians are acceding to our proposal. Is that not true?

Mr. KUCHEL. Again the Senator is correct. As an American, I would be embittered if, at any point in the past many years since nuclear power came upon the earth, our Government had failed in trying to find the point at which an agreement could be reached in this field.

Therefore, both under Eisenhower and under Kennedy I have approved the position of my Government, as the Senator has, in painstaking negotiation and in trying to formulate such an agreement.

Mr. FULBRIGHT. If it is our proposal, are we in a position to demand a price for the other parties to join the proposal?

Mr. KUCHEL. Not at all. In my judgment any attempt to exact such a price would be exceedingly regrettable.

Mr. FULBRIGHT. In any business transaction, if a person makes an offer, and is the moving party, that person is in no position to demand any additional favors, is he?

Mr. KUCHEL. The Senator is correct. Equally important, however, is this point: I listened to the testimony before the Foreign Relations Committee, including that of the men who wear our American military uniforms, the top military personnel, whose responsibility it is to defend this country. All of them approved the treaty, as did the great majority of

the other witnesses who appeared before the committee—witnesses representing both the Government and private individuals, and scientists. On that basis I say to the Senator that to demand any additional price in order to have the treaty approved would result in weakening the votes that I trust it will receive when the roll is called on it. To do so would be a disservice, in my judgment.

Mr. FULBRIGHT. I appreciate the Senator's comment. From a historical point of view, President Eisenhower offered a proposal solely with regard to atmospheric testing, I believe. Later we got into the other elements, and I believe at one point there was a proposal, which the Russians rejected, merely to stop testing in the atmosphere. We also engaged in long-drawn-out discussions on underground testing. However, we could never agree on inspections for underground testing. Is that correct?

Mr. KUCHEL. Yes; that is my understanding of the situation. I quoted from President Eisenhower's statement, in which, early in his tenure, he specifically asked the Soviet Union to agree to prohibit tests not only in the atmosphere, but also under oceans.

Mr. FULBRIGHT. The Senator mentioned the fact that West Germany would never have acceded to the treaty if there had been any question of recognition of East Germany. We have made it clear that we do not recognize East Germany. Does not the precise question confront the Soviet Union with regard to Taiwan?

Mr. KUCHEL. Of course it does.

Mr. FULBRIGHT. Taiwan accedes to the treaty. The Russians have clearly stated that that does not mean recognition of Taiwan. Therefore we have a case involving similar conditions. It ought to be reassuring to those who have any doubts about whether the treaty is a recognition of East Germany. I have no doubt, and I do not believe anyone should have. The Secretary of State dealt at great length with the point that recognition is primarily a matter of intent. There are already in existence multilateral agreements to which both West Germany and East Germany have acceded, and none of them has ever been considered as recognition.

I compliment the Senator on his diligent attendance at the hearings. Although he is not a member of the committee, in view of his important position as assistant minority leader, I thought it incumbent upon me to invite him, and he responded and attended much more assiduously than some members of the committee. He followed the proceedings of the hearings very diligently.

Mr. KUCHEL. I thank the Senator.

Mr. GORE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. GORE. The pending treaty is frequently referred to as a limited test ban treaty. Were not the proposals advanced by Messrs. Baruch and Stassen as representatives of the U.S. Government considerably more comprehensive than those contained in the pending treaty?

Mr. KUCHEL. The Senator is correct. I recall reading some of the text of the

deliberations when Governor Stassen, representing President Eisenhower, was in London, with members of the Atlantic Alliance, trying to arrive at a nuclear agreement. The Senator is correct. It was far less limited than the proposal before us.

Mr. GORE. Were not the proposals made in Geneva by Ambassador Wadsworth, representing former President Eisenhower, and by Ambassador Dean, representing President Kennedy, considerably more far reaching than what is contained in the pending treaty, the pending treaty being all that it appeared possible to accomplish at this time?

Mr. KUCHEL. The Senator is correct.

Mr. GORE. The Senator, in colloquy with the distinguished junior Senator from Arkansas, referred to the U.S. initiative in this field of understanding.

Is it not a fact that the existence of atomic weapons is a feat of accomplishment for which the United States can take pride, but for the creation of which she has some responsibility, too?

Mr. KUCHEL. The Senator is correct.

Mr. GORE. The fact that our country took the lead in the creation of nuclear weapons, and later development of nuclear weapons, seems to me to place upon our country some burden of responsibility, if not for initiation, in reaching agreements to bring this awful might of destruction under control.

Mr. KUCHEL. In answer to that most intriguing statement, the Senator from Tennessee and I, and all other Americans, are grateful that these discoveries were first made by our fellow Americans in the free world; but intellectual power in this or any other field, as I tried to say in my speech, is not indigenous to one side of the Iron Curtain or the other. Those responsible for the government of the United States were appalled at the unbelievable might of the power which had been discovered, and to their everlasting credit have consistently taken the lead in trying to arrive at agreements by which the cloud which hangs over mankind by reason of those discoveries might be dissipated.

Mr. GORE. So this undertaking, as the junior Senator from Arkansas described it, is an American proposal; but it is, in addition, as purely nonpartisan in its historic development as it is possible to achieve.

Mr. KUCHEL. That is correct.

Mr. GORE. President Eisenhower sent distinguished representatives to Geneva. It was my privilege to be a delegate representing the U.S. Senate the day the conference convened on October 30, 1958.

I served again during the Kennedy administration in such a capacity. President Kennedy sent to Geneva not one of his own partisan political faith, but a distinguished lawyer having affiliation with the Republican Party, a former law partner of former Secretary of State John Foster Dulles, Mr. Arthur Dean. I served with Mr. Dean. He served well. So in consonance with this responsibility devolving upon our country, because it brought into being fissionable weapons, three successive administrations and eminent members of both political

parties have striven to bring into being an international agreement to bring this awful destructive power under international control. Now that this objective has been finally achieved, although in a very limited sense, the question is finally before the Senate.

I know that many persons raise questions about military risks. There are military risks in many of the decisions the Senate makes, such as when it votes upon an amendment to build an aircraft carrier. We take a military risk when the Government, and the Congress, by appropriation, decide whether to build 12 or 20 additional atomic submarines. There is a military risk involved in the decision as to whether we will have enough or not quite enough. There is an economic risk involved in whether we overspend ourselves or live within our means. So every day in this Chamber we live with risks of many sorts.

I believe there would be a greater risk in the rejection of the treaty than in the approval of the treaty. I doubt whether the treaty can be viewed solely from the narrow standpoint of military aspects or of scientific aspects. More than 90 nations have subscribed to the treaty. They are rapidly acceding to the treaty. It has become an international concert of great portent.

So there is at test the capacity and the will of the United States to initiate and sustain international leadership in a delicate field, but a very important field, in which it has been the leader both in the creation of the problem and in the search for a solution of the problem. The last act now is for the U.S. Senate, and the test is before this body.

I shall join the senior Senator from California.

Mr. KUCHEL. I thank the able Senator from Tennessee. Every Member of this body, no matter how he casts his vote, is thinking about his country and will cast his vote as he sees the light. I hope and pray that when the roll is called the U.S. Senate, by an overwhelming vote, will approve the treaty.

Mr. KEATING. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I yield to the Senator from New York.

Mr. KEATING. I commend the distinguished Senator from California for the thoughtful, concise analysis he has made of this problem. Speaking Senatorwise, he has succinctly stated the essential arguments in favor of the ratification of the treaty. He has done so carefully and eloquently, and has again performed a notable service.

I was impressed with the statement of the distinguished chairman of the committee [Mr. Fulbright] that the senior Senator from California, with his manifold other duties, had attended most of the hearings, although he is not a member of the committee. That is most commendable and helpful to us who did not have the benefit of hearing the testimony as members of the committee. I believe there has been no statement in support of the treaty which has been more compelling or persuasive than that so ably presented today by the Senator from California.

Mr. KUCHEL. I am most grateful to my able friend from New York for his kindness.

Mr. GOLDWATER. Mr. President, before I begin my remarks, I apologize to the Senate for delaying until now to make them.

I, too, commend the able Senator from California for his eloquent presentation of his views. While I find myself in disagreement with him, I have respect for the processes through which he reached his conclusion.

Mr. President, on Monday of this week the Senate began the debate on the proposed partial nuclear test ban treaty. The idea, I had assumed, would be to lay before this body and before the American people all of the facts, to weigh them, deliberate them, debate them, and prepare for one of the most fateful decisions the Senate ever has been called upon to make.

On the same day, the Preparedness Subcommittee presented an interim report based upon many months of hearings. On the same day it became apparent in the press of the Nation that the months of hearings would not be permitted to weigh heavily in this debate. In fact, it has become clear to anyone viewing this situation that the proponents feel that no argument against the treaty should be forwarded.

It has become obvious that debate is not the objective of the exercise in which we are engaged. For every point of debate, for every argument, for every doubt, the answer is that we must look but not touch; we must consent, but not advise; we must approve, but not revise. Those who would exercise their responsibility as Members of the Senate and who seek debate on, and possible adoption of, reservations or amendments to the treaty are called irresponsible. Is that an invitation to debate?

The same ones who speak of irresponsibility admit the risks of the treaty, but deny the right of the Senate to guard against those risks in its own way and through its own powers. How responsible is that position?

How responsible is it to question the devotion to duty, to country, and to the families of America of any Senator who seeks in the Senate to question, to advise, or to suggest changes in the treaty? If there can be no changes, if there is no possibility of a vote other than one of approval, what would be the meaning of debate? Would debate even be needed?

Any appeal to emotion, rather than to fact; any recourse to name-calling, rather than to truth seeking, does this body and its Members a disservice. Far worse, it does the cause of peace and freedom a disservice. It stifles freedom; and it makes discussion of peace an exclusive preserve, rather than an open forum.

If the Senate has no choice in this matter, if it has no chance to responsibly advise that changes be made, then it should have no role at all in foreign policy. To follow the dictates of those who want no advice, we might consider amending the Constitution so as to do away with the Senate's right and responsibility to advise and consent on treaties. That would merely formalize what we have heard ev-

ery time we hear that we have no choice and that there can be no change. Choice and change are the essence of freedom. If the exercise of either is irresponsible, so is freedom.

What sort of atmosphere for debate in this body has been created?

When we raise doubts as to the long-range effects of the treaty, we are told that only its immediate impact must be considered.

Mr. GORE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I prefer to finish my remarks; but I yield.

Mr. GORE. If the Senator from Arizona will permit me to say so, I respectfully state that he has made a serious indictment upon the Senate and upon the conduct of the debate. I have listened to a great deal of it, and have contributed in a small way to it. He has just said:

When we raise doubts as to the long-range effects of the treaty, we are told that only its immediate impact must be considered.

I should like to ask who said that.

Mr. GOLDWATER. If the Senator from Tennessee will allow me to conclude my remarks, I believe he will be able to figure that out.

Mr. GORE. I have read a copy of the Senator's statement, and the answer to that question is not in it.

Mr. GOLDWATER. During the course of the debate I held with the Senator from Minnesota [Mr. HUMPHREY]—it was 2 weeks ago, I believe—we discussed the problem of the immediate impact and the long-range impact. In this speech, I do not confine my remarks to statements by Members of the Senate. I refer, for example, to Mr. Harriman's statement that by means of the reservation I proposed, I was trying to make a political issue of the pact. The statements to which I refer have been accumulated from many sources; not all of them necessarily come from Senators.

I am merely trying to set the stage for debate that will not be acrimonious. I know the Senator from Tennessee differs with me; and I differ with him; but I suggest that the Senator from California made an excellent statement when he said that we should arrive at our decisions honestly and on the basis of the exercise of our conscience; that we propose our reservations and make our suggestions honestly; that we do not wish to be called irresponsible, or to have our suggestions referred to as mischievous toyings with the hopes and aspirations of the people of the United States. I do not believe the Senator from Tennessee would seek to accuse me of improper procedure.

Mr. GORE. I certainly do not. I recognize the right of every Senator to reach his own conclusions by whatever process he chooses. But I respectfully suggest to the Senator from Arizona that if he will carefully reconsider the statements he has made in the last few minutes, he will find in them a serious reflection, in my humble opinion, on the quality, the purpose, and the sincerity of the debate in the Senate.

I think the debate has been good and constructive. Yesterday, my 15-year-old

son was present, to hear the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], who spoke so eloquently and so thoughtfully. Forty or fifty Senators listened carefully to his speech; and I was proud to have my son see the Senate in action. I thought it was a fine hour for the Senate.

I regret that now after 6 p.m., when the distinguished junior Senator from Arizona is speaking, most of the other Members of the Senate have gone to dinner—as I am sure both he and I would also like to do.

Mr. GOLDWATER. It is not by my choice, I may say, that I speak at this hour. I have been waiting a long time to speak.

Mr. GORE. I realize that.

The debate has been diligent, and has been reasonably well attended. Yet the Senator from Arizona has said:

If the Senate has no choice in this matter.

Why should the Senator from Arizona raise that question? The Senate does have a choice. That is the issue before the Senate; it is the subject on which the Senator is speaking.

Mr. GOLDWATER. I feel very deeply about this matter. The other day I discussed it with the Senator from Minnesota. I said that if, in effect, we are to be knocked down because we do not agree, if we are to be referred to as irresponsible, as toying mischievously with the lives of the American people, such statements would indicate that any change would be resisted. So I merely wish to discuss this point.

Mr. HUMPHREY. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am glad to yield.

Mr. HUMPHREY. The Senator from Arizona may recall that both of us fully agreed that this matter requires debate, and that there should be debate on it. In my presentation on Tuesday, I made quite clear—under questioning by the distinguished Senator from Iowa—that, first of all, this is not partisan matter. I referred particularly to the then announced position of the distinguished minority leader [Mr. DIRKSEN]; and prior to the delivery of his magnificent address, I commended him for his forthrightness, his courage, and his statesmanship, because I had heard and had read that after he and the majority leader had visited with the President, at the White House, the distinguished Senator from Illinois had announced his support of the treaty.

I also pointed out—under questioning by the Senator from Iowa, who had some doubts, and expressed concern that Senators who favor the treaty were attempting to stifle debate, or at least to make it appear that when questions were asked, a disservice was being performed—that the Constitution requires the advice and consent of the Senate; that the Senate is composed of 100 Senators; that under the constitutional process, each Senator has a political and a moral responsibility to make his or her decision according to his or her own conscience; and that that is the primary duty and the highest duty of a Senator.

Regardless of how a Senator may vote, certainly that duty is the highest duty a Senator can perform—namely, to make his own decision.

So I wish to make it crystal clear—and I know the Senator from Arizona [Mr. GOLDWATER] feels this way, too—that debate on the treaty is not only desirable, it is also required under the constitutional requirement for Senate advice and consent.

Mr. GOLDWATER. The Senator from Minnesota and I agree completely.

I am trying to lead us away from charges of irresponsibility and of making a political issue out of the treaty.

I could not agree more than politics should not enter into this treaty. I do not know how it could be interjected if someone tried to figure out how to do so. I merely plead that, during the short presentation of my reservation, we continue in this way.

We raise doubts about the immediate military impact of the treaty, and we are told that only its long-range hope must be considered.

We are told to debate, and then we are told that the rest of the world already has decided for us and that we cannot risk offending them.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask a question?

Mr. GOLDWATER. I yield.

Mr. FULBRIGHT. I cannot recall that any Senator has made a statement about offending them. I believe that I and others have stated that it would be a very great disappointment, which I believe is quite different from offense. It would be a great disappointment to the other members of the society of nations, not only the original parties but the others, if we rejected the treaty. But that is quite different from offense. I am not a bit concerned about offending those people. The word has a connotation of our being servile and afraid of them. That is not the point at all. If the Senator has reference to anything that I have said or heard, will not the Senator agree that Senators who are for the treaty are not for it because they do not wish to offend another nation? I do believe that statement to be accurate.

Mr. GOLDWATER. The Senator has performed a great service. I have understood it in that way. If I have understood it in the way I have said it, I have understood it wrong. We were concerned about an offense that the treaty might bring to the other 90 nations that have signed the treaty. In the course of the complimentary remarks made by the distinguished Senator from Arkansas [Mr. FULBRIGHT] to the Senator from California [Mr. KUCHEL], I heard reference to the 91 nations that have signed the treaty. Frankly, while we all have concern for all nations of the world, I do not think that, when the chips are really down, what we do or do not do with the treaty should be affected by what any of those nations might think about us.

Mr. FULBRIGHT. Certainly not from the point of view of offending them. I think it is proper to observe that, since we, the most powerful Nation in the

world, and the second most powerful, which, I suppose, would be Russia, are the principal parties, if we reject this effort it would be a disappointment. I do not think it would offend anyone in that sense. I am not afraid of giving offense. That would not disturb me at all in voting for the ratification of the treaty or not voting for it.

Mr. GOLDWATER. I thank the Senator for clearing up that point.

We suggest changes in the treaty and we are told that they are unnecessary because of agreements and assurances beyond the treaty.

Mr. GORE. Mr. President, will the Senator yield?

Mr. GOLDWATER. If the Senator would allow me to finish, I would appreciate it. I have been waiting all day. I yield once more to the Senator.

Mr. GORE. I thank the Senator. I shall desist. The Senator has said, if I understood him correctly, "We suggest changes in the treaty and we are told that they are unnecessary because of agreements and assurances beyond the treaty." In fact, during the hearings, time after time, Senators were told that there were no side agreements or additional agreements, and that the total of the agreement between the United States, Russia, and Great Britain on this subject was contained in the treaty. Who made the statement to which the Senator has referred?

Mr. GOLDWATER. That was brought out in the early part of the testimony.

It was stated not once, but several times. We asked the witnesses what the next step would be, and that is the area in which the statements were made. Yesterday, I admit, the President reaffirmed what the Senator has said. Once before he did so. The Senator from Iowa [Mr. HICKENLOOPER], asked to see the letters and correspondence pursuant to the treaty. I do not know whether they were ever made available to the Committee on Foreign Relations or to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. GORE. I thank the Senator. I apologize to him for intruding on his speech at this late hour. But feeling so strongly in disagreement with some of the statements that the able Senator has made, I did ask him to yield. I thank him for the courtesy of his doing so.

Mr. GOLDWATER. I think the next sentence would have solidified the point.

We raise questions about implications beyond the wording of the treaty and we are told that everything is contained in the wording of the treaty, that no implications beyond it should be drawn.

We hear witnesses who spell out in great detail the military disadvantages and then we are told that the Secretary of Defense will turn the disadvantages to advantages.

We hear witnesses who warn of future diplomatic difficulties because of the treaty and then we are told that the Secretary of State and the President will turn those difficulties to assets.

We hear witnesses who warn of future steps along this path and we are told that we must think only of this first step.

The chairman of the committee will remember that I attended the hearings rather assiduously. The next step is the point about which I have most doubt in my mind. I know it could be any one of a number of things. I would think that during the course of the debate that would be a point which the Senator would wish to spell out very carefully. Indiscussing the treaty with Senators who agree with me on my stand on the treaty, I find that they agree that such points as principal political advantages have not been spelled out, at least to our satisfaction.

Mr. FULBRIGHT. If I may respond to that statement, in all good faith I do not believe anyone has affirmed that there will be a next step. It is hoped that there will be a next step. Our Government quite positively stated that we would not consider a nonaggression pact as a part of the treaty. Our representatives said, "That is out. If you insist on such a pact, we might as well stop now."

On the other hand, we do not take a position which would foreclose any further movement. We hope that as a result of a favorable experience under the treaty, and after some tangible evidence of performance by the parties to the treaty, then further steps would be possible, reasonable, and would be submitted to this body. The Senator surely would not want to take a position which would exclude any further steps.

Mr. GOLDWATER. No; the Senator does not.

Mr. FULBRIGHT. I am sure he does not.

Mr. GOLDWATER. But tonight the Senator from Georgia voiced the feelings of those of us who find ourselves in opposition to the treaty. He spoke not about the fear or the concern about disarmament. I think all of us want disarmament, but we wish to make sure that we are not the only ones disarming. I think the Senator right now has said what the Senator from Georgia was trying to elicit, namely, that any changes in the treaty would have to be approved by two-thirds of this body.

Mr. FULBRIGHT. Absolutely. I am convinced of that. I am very dubious about those who speak of disarmament. That word is used much too loosely. The preamble of the treaty, as with many preambles, is a statement in rather fine language of aspirations. Such aspirations occur in many documents.

Mr. HUMPHREY. Such as the Constitution.

Mr. FULBRIGHT. As my friend the Senator from Minnesota has said, it is not a little unlike some of the expressions in our Constitution and Declaration of Independence. We are far from achieving some of those aspirations. We are struggling toward them. I do not think that that statement about disarmament is one which must be taken seriously and for the foreseeable future. It is merely a rather broad statement of a vague aspiration that we hope we could at least limit armaments. Personally I cannot imagine a world without any armaments at all.

That should not be taken in such a literal sense. I do not believe it is intended that way.

Mr. FULBRIGHT subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD immediately following the exchange I had about the preamble of the treaty a short quotation from Isaiah, as follows:

And He shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.

I think that is rather appropriate as to the preamble to the treaty, which was discussed earlier this afternoon.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. HUMPHREY. I think it might be well to place in the RECORD the preamble of the Constitution of the United States, which reads:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

That is a great statement of purpose, to which every article of the Constitution is dedicated, and to which yet unborn generations will have to dedicate their efforts for its ultimate fulfillment.

I believe preambles have a particular place in all great documents, primarily the place of challenging the future.

Mr. GOLDWATER. One of the reasons why I have an apprehension on this subject relates to the work of the Disarmament and Arms Control Agency. The Senator will recall my interrogation of Mr. Foster, which occurred probably in January or February of this year, in regard to the reported proposal that we should destroy 30 B-47's a year and that Russia would destroy 30 Badgers. Since, I have learned, the figure was to be 30 a month.

I wrote to Mr. Foster some time ago, probably in July. While he made no assertive statement, he said that was still under consideration.

This is the type of thing about which we have concern. So long as these things are being considered by the Disarmament and Arms Control Agency, it causes concern. We are all vitally interested in the military strength of our country. We are concerned because we realize that one of the ambitions expressed by the statement of September 26, 1961—I believe it was 1961—was the reduction of the number of vehicles capable of carrying nuclear weapons.

I explain this to the Senator so that he may understand our apprehension about this general field of disarmament. I must follow that immediately by saying that every American is interested in disarmament, so long as we are not the only nation engaging in it.

Mr. FULBRIGHT. I agree with the Senator. There happens to be a B-47 base at Little Rock, which is a rather

large one. I have not followed the matter too closely, but I have read the newspapers. What they are doing is phasing out the B-47's and putting in the B-58's, which I believe are called the Hustlers. That to me does not mean disarming. By taking out the B-47's they are merely improving the striking capacity and quality of the weapons. I thought that was the reason why they might be destroying the B-47's. It is the same reason why they are getting rid of some of the old missiles which are now obsolete. I was told that the missiles were obsolete in Turkey and in Italy because the Polaris is the much better missile.

I never consider things like that disarmament. I say quite frankly to the Senator that I am not pleading for disarmament in this country, and certainly not for unilateral disarmament.

I would question, in the present state of the world, even whether multilateral disarmament is very wise.

The treaty is not a disarmament treaty. This will be merely a slowing down of the acceleration of the proliferation of weapons. It seems to me that is quite different from disarmament.

Mr. GOLDWATER. The B-47's will naturally be out of the inventory by 1968 or 1969. If we enter into any agreement such as that which has been proposed, the B-47's will be out of inventory by 1965 or 1966.

Mr. FULBRIGHT. Is that not a matter of judgment to be made by the military people themselves, as to whether those are efficient instruments?

Mr. GOLDWATER. They are quite efficient, but they are old.

Mr. FULBRIGHT. And slower.

Mr. GOLDWATER. Like many of us, they are wearing out.

Mr. FULBRIGHT. I agree. I thought the reason they were taking the planes out was that better ones were available.

Mr. GOLDWATER. We do have better ones, but we do not have enough of them.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HUMPHREY. It is well known that the military has made some plans for phasing out the B-47's. The question is, do we wish to phase them out all alone, or would we like to get the Russians to phase out some comparable aircraft?

These are similar to the oversea bases. Everybody knows that we shall have to give up our bases in North Africa one day, or else it will be necessary to pay for them about 10 times. Do we wish to give up the bases all by ourselves, or would we like to negotiate with the Russians and have them give up some bases?

I am sure the Senator, who is a distinguished military officer in his own right, knows full well that since we are to phase out the B-47's it might not be a bad idea to try to get the Russians to phase out something, also. That seems to be sensible to me.

The point is that we are not phasing out our military strength. Our airpower today is more than it was a year ago. Our Polaris strength today is more than

16020

it was a year ago today. Our missile strength today is more than it was a year ago.

So all of the strawmen that are raised—as to the fact that we are engaging in some kind of a “sellout” on a unilateral basis of disarming—are plain strawmen, and are easily knocked over.

Mr. GOLDWATER. If the Senator wants to call them strawmen, I suggest that we get a denial from Mr. Foster that this is being contemplated. It does not involve the obsolete aircraft that are taken to Davis-Monthan Air Force Base in Arizona and destroyed. This involves the removal of the B-47's which are operable. I should like to have some assurance in that regard.

I am not saying that the proponents of this plan are engaged in unilateral disarmament. I merely mention what bothers home of us who have studied this problem more from the military side than from the political side. We are concerned. I think the day is ahead when we shall not have enough bases overseas to put in our hat. That is entirely beside the point. That will be a natural phaseout. I do not wish to see a speedup of the phaseout, with no followon.

Mr. HUMPHREY. If we can get that phaseout along with getting the Russians to phaseout under some agreement, we would not alter the balance of power. If we can get 25 planes comparable to the B-47's phased out by the Soviet Union at the same time 25 B-47's are phased out in the United States—which were going to be phased out anyway, Russia or no Russia—it seems to me that would be sensible.

Interestingly enough, we are not doing that now. There was merely some thinking out loud. Apparently there is an unwritten law in this country that one should not think out loud. If the Pentagon or the Disarmament and Arms Control Agency expresses such a proposal publicly, it is suddenly attacked. If it is negotiated secretly, it is called a “secret deal.”

Whenever we negotiate for any type of arms control, we negotiate only in an effort to improve our own position or to keep on an equal plane the balance-of-power structure as it now exists. For example, if we can get the Soviet Union to give up 5 intercontinental ballistic missiles—and if we could be sure that they gave them up, and we could inspect to find out that they gave them up—then we could give up 5 intercontinental ballistic missiles and possibly we would not alter the balance of power at all, yet it might help the world a bit. At least it would save a little money, and that ought to please some Members of this body.

Mr. GOLDWATER. The Senator is getting into the realm of the impossible now, because we have tried to do that.

The basis of most of our concern is military. I hope that during the debate—I intend to be present as often as I can—it will be possible to have developed the political advantages which seemingly outweigh the military advantages. I mention this field. I have been interested in it for nearly a year. I have not kept in constant touch, but in touch once in a while with the agency; and

the plan still is under consideration. I for one do not agree with it. I do not think it would work to our advantage.

This is extraneous to the particular debate before the Senate, but it might be informational. If we depended upon the bomb bays in SAC for 75 percent of our nuclear striking force and we diminished that capability before we planned to under a natural phaseout of the weapon, I do not see that reducing our nuclear strategic striking capability would be of any great advantage to us. This is, as I say, beside the treaty entirely.

Mr. HUMPHREY. Indeed it is beside the treaty.

Mr. GOLDWATER. The Senator interjected it, and I merely wanted to get these remarks in so that we might refer to them some time.

Mr. HUMPHREY. If the Senator will permit, I did not interject the B-47 issue; the Senator from Arizona interjected the B-47 issue. All I say is that the proposal was merely a proposal for discussion. It makes more sense than casting aside B-47's while letting the Russians keep theirs. If we are to cast aside the B-47's we should try to get the Russians to take similar action.

Mr. GOLDWATER. If they had a fleet comparable to ours in size, I think I might be in agreement.

Mr. HUMPHREY. If they do not have a fleet which is so big, what are we worried about?

Mr. GOLDWATER. I do not worry about them so much. I am worried about us.

We suggest caution about this first step and we are warned that we must think only of the next steps.

We hear witnesses who speak of practical dangers and we are told of theoretical hopes. We question theoretical hopes and we are told that the treaty is all practicality, not based on trust.

We hear that the sheer numbers of our nuclear weapons outweigh any qualitative gains that the Soviets may make under the treaty and then we read that the Department of Defense is studying a cutback in our weapons procurement.

We hear that the dangers of radioactive fallout are the main thing guarded against by the treaty and then we read that smog is a far more serious peril, that testing could be quadrupled without danger.

We heard last year that maintenance of our readiness to test on an indefinite standby basis would be impossible. Now we hear that such readiness is guaranteed. What has changed?

I have listened to colleague after distinguished colleague warn of the treaty, question the treaty, worry over the treaty and then say “but we must vote for it.” I have heard colleague after distinguished colleague say that the people demand this treaty and then report a flood of mail running heavily against the treaty.

I have read the constitutional requirement that the Senate advise and consent on treaties but what I have heard so far assures me that all that is wanted is consent. God knows we have been advising in such honorable hearings as that

of the Senate Preparedness Subcommittee and God knows we have heard that advice accorded all the respect of a Sunday supplement mystery story.

It is obvious from the thousands of words of testimony and questioning that there are all of the doubts and reservations that I and others have mentioned on this floor, and it is obvious that these are sincere and reasoned.

And yet are we sincerely preparing to debate changes in the treaty that would help resolve the doubts? Instead, again, and again, and again we have only verbal assurances. And again, and again, and again even the idea of changes in the treaty have been derided as mischief or precluded as unnecessary, because of more and ever more verbal assurances.

It is because I have seen this body swamped by those assurances and increasingly committed to them—no matter the doubts, no matter the dangers, no matter the real will of the people—that I have suggested one reservation which would, at least, exact a price for this treaty that we are told we must ratify. We know of the price in preparedness that we are paying. We have asked no price of the Soviet.

The other day I discussed a reservation to the treaty. That is what brought up this whole thing, because I have been accused of various approaches on this.

The reservation that I have suggested, which would make the effectiveness of the treaty contingent upon the removal of the Soviet military presence in Cuba, would set a price. It would at least salvage something from the Senate's decision to accept this treaty regardless of doubt and danger.

I want to make this perfectly clear: It would not make the treaty one ounce more acceptable to me for I cannot accept it because of the peril in which it places our security over all the world. But such a reservation would return to the American people at least one portion of purpose and meaning. It would, at least, force this treaty to be weighed on a realistic balance, against a realistic testing of Soviet intentions.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. FULBRIGHT. I had understood his statement about the same matter, the nuclear test ban treaty, which the Senator made, as appears at page 15546 of the RECORD for September 5, to be as follows:

A reservation embodying this needed demonstration of Soviet intent could make the treaty proposal perfectly acceptable even to its harshest critics.

Mr. GOLDWATER. I may not be its harshest critic. I want to make it perfectly clear that, even if this condition were to be accepted—and I am not naive enough to think it will be—it would not make the treaty any more acceptable.

Mr. FULBRIGHT. I was reading the speech anticipating the Senator's speech of today, and it struck me as being quite inconsistent with the Senator's position. I wondered what had caused the Senator to change his mind.

Mr. GOLDWATER. I have not. I merely said "harsh critic." I am not the harshest critic.

Mr. FULBRIGHT. If the Senator is not a harsh critic, perhaps it will take something less to change his mind.

Mr. GOLDWATER. I wanted to make it clear that if this were the point, making acceptance of the Senator's idea a part of the bargain, I think then the Senator could inject the charge of politics, and I do not care to do that.

Mr. FULBRIGHT. What really interests me about the point the Senator is making on his proposed amendment is that it seems to me to be based on the assumption that if the Russians have come to us with a proposal and are begging us to take it, we can demand any kind of terms we like, or terms the Senator suggests, whereas it occurs to me, in accordance with the suggestion of the Senator from California, that this is an American proposal; we urged it in past administrations.

How are we in a position to ask for extraneous and additional concessions when it is our own proposal? Are we interested in it or not? It seems to me it is an irrelevant consideration. The only relevant consideration is, is this particular treaty in our interest, as written? If it is not, we ought to reject it, even if Russia should get out of Cuba. If it is in our interest, we ought to accept it regardless of what is done in Cuba or anywhere else.

I do not see how the Senator thinks this is an appropriate reservation. When I say "appropriate," I mean wise. Of course, he is within his rights to offer it; but is it a wise reservation?

Mr. GOLDWATER. I think it is wise, for this reason: We have tried for a long time to get this kind of limited test ban treaty with the Russians, and suddenly there is evidence that she is desirous of having it. If this is so, and if the major purpose of the treaty is to ease world tensions, what would be better than erasing one of the greatest tensions in the world and forcing the world to recognize that the creator of the tensions is not the United States, but the Soviet Union? This is why I feel this reservation, and frankly, other reservations to this treaty are not unwise.

Mr. FULBRIGHT. In all honesty, I cannot follow that line of reasoning. If we refuse to ratify the treaty if they did not do something, we would be the ones accused of creating, or at least prolonging, tensions by refusing to go forward with our own proposal. I cannot help thinking that if we made such a condition, or any such unacceptable condition, a part of the treaty, it would provide the Russians with the greatest kind of propaganda against us. They would say, "The Americans made a proposal to us. We accepted it. Now they will not consider it."

I do not wish to prolong this debate; but would any kind of agreement with the Russians be acceptable to the Senator from Arizona—that is, a proposal in this field—other than one which would ask them to lay down and play dead and say, "I am sorry"? Would it be

within reason? Or does he think the Russians are so bad that we should not attempt to do any business with them?

Mr. GOLDWATER. No. I think the treaty we worked at for so many years at Geneva—a complete test ban treaty with on-site inspections—was the answer to our problem.

Mr. FULBRIGHT. Would the Senator approve that?

Mr. GOLDWATER. The Senator from Arizona has said many times that he would. However, that discussion gets far afield from this evening's discussion.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GOLDWATER. In just a moment. We find ourselves in a position of making a treaty that says, in effect, to our potential enemies that "We feel we are well ahead of anybody in nuclear tactical weapons, but we are going to let you continue to develop them underground, and we can develop them, too."

So, frankly, I do not see a promise of peace in this treaty. I see a proliferation of weapons. I am concerned about that particular point. Again, it is a military concern, and has nothing particularly to do with what I am saying tonight. I shall address myself, in a formal speech, more to these points.

The whole purpose of introducing this matter is to give the Russians an opportunity to do what they promised to do and to do what the President of the United States has demanded that they do on two occasions. We are merely testing them. This does not become an amendment to the treaty. It merely says, "We will withhold the date of depositing the resolution and do it later." We say, further, "You do this, and we will have proof by third party inspection."

It does not change the wording of the treaty; it merely puts in the resolution that it is the sense of the Senate, and the American people, that this treaty will not be put into effect until we have assurances that the Russians will comply with what she has already said she would do and what the President has asked.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HUMPHREY. The Senator has acknowledged that the proposal now before the Senate in the nature of a test ban treaty was, in its original draft, a U.S. initiative and a U.S. proposal.

Mr. GOLDWATER. I would suppose so.

Mr. HUMPHREY. We initiated the proposal. We discussed this proposal with the Russians. Mr. Khrushchev, when he was speaking in East Berlin, said, "Yes; this is pretty good, but we want to be sure that it is tied in with a nonaggression pact."

We said, "No deals. No tie-in, Mr. Khrushchev. We will discuss this proposal. We will not discuss the rest of the world. We are discussing this proposal. No deals. No tie-ins."

Now we say, "We have discussed this proposal. We want to tie in. We want you to get out of Cuba."

I think they ought to get out of Cuba,

and I do not think anybody ought to commit acts of aggression. If the Americans have been able to impress anything on the minds of the Russian people, it is that we do not believe in aggression anywhere. So it was rather difficult to say, "We will not discuss a nonaggression pact, except that nonaggression related to the recognition of certain satellite countries and the power of the Communist Party in those countries." But that does not mean we are for aggression. It means we are against aggression.

Having once taken the Russians into the woodshed, so to speak, we have said, "If you want to discuss a nuclear test ban treaty, here it is. We will negotiate it with you. But do not go into anything else and start a long talk about some side deals. Do not bring in a nonaggression pact that we would have to sign as a part of the test ban agreement."

We took that position. Now the Senator from Arizona says, "Maybe we were wrong. I think we were wrong in principle, because we really ought to have a tie-in. Let us tie in Cuba."

Khrushchev says, "Let us tie in a nonaggression pact."

The Senator from Arizona says, "Let us tie in Cuba."

We ought to try to tie the treaty down. We can tie the treaty down, and if there is a sense of honest performance of the treaty, then perhaps there will be some chance to negotiate the Cuba matter and to get these troops out.

Mr. GOLDWATER. I get back to my first contention. I am not accusing the Senator. However, there are certain difficulties in our situation which are not uncommon to legislative bodies of the world, because I believe most of them must ratify treaties. We are given the charge of advising and consenting. If the treaty, which was not negotiated by the Senate or by the Senate Committee on Foreign Relations, comes to us and we feel that it is not in our best interest, we have the right to reject it.

Mr. HUMPHREY. Indeed.

Mr. GOLDWATER. If any one of us, as the Senator from Georgia [Mr. RUSSELL], the Senator from Connecticut [Mr. DONN] and other Senators have indicated, feels that there could be some improvement in it, I believe the Senator would admit that it would be our duty to ourselves and to the constitutional charge to try to bring about the improvement that we felt was needed.

I have read many of the debates on treaties. There has been prolonged and intelligent debate on some of them. The Treaty of Versailles got into trouble. Perhaps that was well. Who can tell? The League of Nations got into trouble because of reservations that Senators proposed. The Connally reservation on the World Court has been debated at length as to whether it was wise or unwise.

Mr. HUMPHREY. That was not a treaty.

Mr. GOLDWATER. I merely suggest that this is a negotiating point. I am going to offer the reservation. As I said earlier, I do not believe it has any more chance of succeeding than an ice cream

cone has on the corner of Washington and Central in Phoenix, Ariz., on the 4th of July.

At least I can say that I have done what in my conscience needed to be done to the resolution, not to the treaty.

Mr. HUMPHREY. I hope the Senator does not misunderstand me. He has every right to offer any understanding and any amendment and any reservation that his conscience and his experience and his political judgment compel him to do. That is his duty, as well as his right. All I am saying is that possibly the Soviets felt the same way. Perhaps Mr. Khrushchev—I will not say it was in his conscience, because some people would doubt it—felt that politically he had to insist on a nonaggression pact and tie it into the treaty on the limitation of nuclear weapons. Our Government representatives said, "If you do that, there will be no treaty; the game is over; we are going home." That was our right.

If the Senator's reservation is adopted—and he has given us some assurance that it will not be, for which I am grateful to him—

Mr. GOLDWATER. I could not imagine that it would be adopted.

Mr. HUMPHREY. Incidentally, I hope that it is not cold on the 4th of July in Phoenix, Ariz., because the analogy the Senator has used makes me hope that the temperature will remain at the customary 4th of July temperature not only in Phoenix but also in Minneapolis.

Mr. GOLDWATER. We are consistent out there.

Mr. HUMPHREY. Yes, I hope the Senator's prediction is consistent, with respect to the fate of his reservation. What the adoption of the Senator's reservation would do to the treaty is what would have been done to the treaty by the nonaggression reservation of the Russians during the negotiations. That would be the end of it.

Mr. GOLDWATER. Is the Senator absolutely sure about that?

Mr. HUMPHREY. One is never absolutely certain of anything. I suppose the word "never" should never be used. However the Senator is a man of sound judgment, and he knows that the odds are that if we should adopt his reservation, it would not accelerate the acceptance of the treaty. I have a feeling that it might very well impede it for several generations.

Mr. GOLDWATER. Let us suppose it will put it off for several months further, and the Russians keep their promise and the President achieves what he so courageously set out to achieve a year ago? Other reservations are to be proposed, in other areas. However, the one I am proposing, inasmuch as the treaty is said to be directed toward easing world tensions, is an easer of tensions, a diplomatic "Miltown"; and it might possibly work.

But what have we heard of this attempt to give Americans some measure of profit in this excursion into the never-never land of communism's grand design?

We have heard that if we demand that the Soviets get out of Cuba they will demand that we get out of Germany,

that Egypt will demand Israel get out of the Middle East, and so forth. By what poor and tortured stretch of what feverish imagination is our presence in Germany or Israel's in the Middle East similar to the Soviet presence in Cuba? Our demand is made with justice and in keeping with, not in violation of, international law and order. If the Soviet should, in fact, make such demands because of our stand on Cuba then we would see communism as it is and not as we may come to regard it through a haze of treaty-bred optimism.

Cuba can be a test of all the hopes and fears of this treaty. Why should we fail to make such a test?

We hear, however, that such a reservation would require renegotiation with all the nations that have signed it. That simply is not true.

It is a reservation not to the treaty but to our instrument of ratification. It does not permit our ratification to be deposited until the Soviets have cleared out of Cuba. It does not involve other nations—just the Soviet. It does not involve the treaty—just the time of its ratification. There would be no worldwide renegotiation—just a pause while the peaceful intent of the Soviet is put to the test.

But, of course, it is the recognition in the State Department and on the floor of this Chamber that the Soviet purpose cannot be trusted—it is that very recognition, that very truth that causes such anguished cries when someone asks only to claim our share of justice, our price of justice in giving to the Kremlin this paper pie-in-the-sky, this abandonment of half-a-decade's work to achieve a system of arms control under unshakeable terms of international inspection.

But we are told also that the Cuban price is not appropriate to place upon this treaty, it is not pertinent, it is an extraneous matter, it opens up other areas of the cold war.

What other areas? Since when has the cold war been a series of compartments? Since when has worldwide Communist aggression and treachery been divisible into little bureaucratic pigeonholes?

The suggested reservation goes to the very heart of the treaty and is in no way extraneous because it goes to the very heart of the causes of tension. And what is this treaty proposal if not related to world tensions? Of course, Cuba is pertinent. Nothing is more pertinent.

State Department hairsplitters may want to bend this treaty away from reality and from all connection with the real war in which we stand challenged by a real enemy. But ask the American people if Cuba is pertinent.

Ask them if Cuba is too high a price to set on this treaty. Ask them if we should only give, and get nothing.

I am confident that their reply would be firm where some replies I have heard recently are frightened and fearful.

We hear that the proposal to remove Soviet troops and weapons from Cuba merely is partisan. Has it been merely partisan every time the administration itself has said that the matter of Soviet troops in Cuba is not negotiable? Is it

partisan to say that this treaty should not be negotiated while nonnegotiable Soviet aggression haunts our southern shoreline? Is everyone who speaks for his beliefs in this treaty consideration to be called partisan? Is conscience partisan? Are the voices we hear in opposition to the treaty or in support of safeguards and changes, voices on both sides of the aisle, merely partisan? No. There is in this consideration only the partisanship of each Member's own soul-searching decision, the partisanship of principle, the partisanship of duty and responsibility.

Mr. President, as I have said before, I intend to offer a reservation regarding Cuba. I will ask that it be considered and debated at the appropriate moment. I will ask that the Senate, which has placed so small a price upon its deliberation of this treaty so far, will at the moment of final decision at least place upon the treaty itself a price which the Soviet can and must pay.

I should like to make a parliamentary inquiry of the Chair. I should like to inquire whether under rule XXXVII a reservation to the resolution of ratification may at any time be sent to the desk to be printed and to lie on the table until called up by the mover of the reservation.

The PRESIDING OFFICER. The Senator is correct. A reservation may be printed and lie on the table.

Mr. GOLDWATER. I send it to the desk and ask to have it printed.

The PRESIDING OFFICER. The reservation will be received and printed, and will lie on the table.

Mr. GOLDWATER. I will call it up in due time.

BOMB TESTING REAPS WHIRLWIND OF POISON

Mr. BARTLETT. Mr. President, there are risks for our Nation with or without the treaty, which has been the subject of lively debate. Absolute security cannot be achieved. No nation in the history of this world, at least for long, has been able to reach and maintain a position of absolute supremacy.

A few days ago I received from Mr. Alexander P. de Seversky a statement sent to each Member of the U.S. Senate in which opposition to the treaty was forcibly expressed by this eminent American. Mr. de Seversky states bluntly that the Soviet Government has "nuclear superiority." He believes Russia is ahead of us in many areas in the field of nuclear weaponry and defense.

My reaction to this is, I suppose, that of the average American. If scientists devoting their lifework to this cannot agree, how can I know? If military men cannot agree, how can I decide?

However, I am convinced absolutely that there is a basic fault in the argument made that we must have more testing—without treaty—in order to catch up.

If we are behind—and the burden of testimony and the accumulative evidence suggests we are not—then what makes anyone think we are going to catch up if there is unrestricted testing in the atmosphere, in the water, underground, everywhere, by everyone?

We had the A-bomb first.

We had the H-bomb first.

We have been spending fantastic sums on our defense structure. In this effort we are spending about \$50 billion each year, 50 times more than our entire Federal Government cost a half century ago.

We have sought to create a massive deterrent. In my opinion, we have achieved this.

There has been no restriction, of consequence, of expenditure of funds in the field of nuclear weapons and deterrents so far as the United States is concerned.

Yet it is suggested that in spite of our great expenditure and effort we not only have failed to retain our lead, but have positively lost it.

These arguments would have us believe, first, that although we have been running as fast as we can run, the Russians have outstripped us; second, that if the treaty is rejected and the arms race continues unabated, the American people can be confident that we shall recapture the lead and surpass the Russians. I fail to be convinced by the validity of any such argument.

Would it not be just as easy to argue that, if the treaty were not ratified, that if both nations continued to have freedom to spread fallout all over the world in search for perfect weapons and for perfect deterrents, then we might find ourselves even farther behind than some of the opponents of the treaty claim we now are?

As every other Senator has, I have received many, many letters from treaty opponents asking me if we can trust Khrushchev.

I do not see what that has to do with the situation.

If I as one Senator believed the Communist side of the world did not present a clear danger to our life here and the life of those elsewhere joined with us, I would never vote year after year as I do vote for these tremendous defense appropriations. I would be infinitely happier to be voting instead for appropriations to improve the well-being of our own people, to provide a better life for our own citizens and, to the extent of our abilities and our desires, for people elsewhere. It is precisely because I believe the peril which confronts us and haunts us is not a fantasy of the imagination that I vote for those appropriations and shall continue to do so for so long as they are needed and so long as I am here. The proposition of trusting Khrushchev does not enter into this at all, so far as my own analysis and my own conclusions are concerned.

I trust the President of the United States.

I trust the Secretary of State.

I trust the leaders of our Armed Forces who have testified for the treaty. Much has been said, much has been made, of warning signals which have been raised by some members of the Joint Chiefs of Staff. Too little emphasis has been placed on the fact that each of them did endorse the treaty. I take comfort in this. I would expect any military leader of this Nation to resign from his service rather than to endorse a proposition which on balance he thought absolutely detrimental to the security of the United States. Does any

one of us for one minute believe that the honesty and integrity and patriotism of these men would not have brought about their resignations almost automatically if they had thought the arguments against the treaty were prevailing in a military sense?

I trust the predominant testimony given in favor of the treaty.

I am a layman. I must take the judgments of others, analyze them, balance them, and then make up my own mind as every other Senator must make up his or her mind, and then vote accordingly.

In considering the many aspects of this treaty Senators should give attention to the importance which ratification would have on the dangers caused by radioactive contamination.

A cessation of atomic testing in the atmosphere would mean, in time, an end to fallout.

The hazards of fallout, the radioactive residue from atomic blasts which poisons the air we breathe, the ground we walk, the food we eat, are still largely unknown to science and to civilization. They are not understood, they are underestimated, and largely ignored.

Federal officials charged with the protection of American citizens from radioactive hazards have consistently, from Hiroshima to the present day, placed the most optimistic interpretation upon these hazards. The Russian officials, with similar responsibilities to the Russian people, have always denied, resolutely, that such hazards even exist in the Soviet Union. There can be no doubt, however, that they do exist. There can be no doubt they are more dangerous than past American interpretations would make them seem. That fallout does exist, that it does now constitute a peril to children and to children yet unborn is undeniable. Equally undeniable is that should testing continue unbridled, it will constitute a truly substantial risk. This will be a risk to American children, to Russian children, to European and, yes, to Chinese children. This is a fact which the world must recognize; this is a fact which is, I believe, recognized in the test ban treaty.

I have repeatedly called the attention of the Senate to the inadequacy of our Nation's research efforts in the field of radiological health, to the confusion which now exists in the determination of acceptable levels of contamination for large population groups, and to the sparse, hit-or-miss nature of our radiation monitoring and surveillance activities.

We are capable, apparently, of determining the size of a Russian atmospheric test the day it is shot; we are unable, however, to determine the amount of iodine 131 in a child's glass of milk in St. George, Utah, 3 days after a shot of our own in Las Vegas.

The Atomic Energy Commission and the Division of Radiological Health of the Public Health Service have seldom, to my knowledge, acted upon their own initiative to step up their research and surveillance activities. Consistently they have but reacted to public or scien-

tific outcry. This is truer today than it has ever been for there has been much recently to react to.

Slowly and painstakingly our knowledge of the effects of radioactive contamination is increased.

Step by step our too-optimistic estimate of acceptable levels must be scaled downward.

There have been several important scientific studies published recently. I shall attempt to summarize them. In so doing, I cannot avoid simplifying; I cannot include all the many qualifications, the ifs, the perhaps, the assumptions which must be added if these comparatively small-scale studies are to be meaningfully applied for large population groups.

In the August 1963 issue of the Canadian Medical Association Journal, Dr. L. J. le Vann, of Alberta, publishes a statistical analysis of birth deformities in that Province. In 1959 there was no atomic testing. In 1961 there was. In 1959 there was a ratio of 7.76 physical abnormalities per 1,000 children born. In 1961 there was a ratio of 13.8 physical abnormalities per 1,000 children born. Dr. le Vann breaks down these figures into area groups and finds that the greatest increase in the abnormality ratio is in the areas which experienced the greatest precipitation. As Senators know, it is the rain which brings radiation contaminants. Dr. le Vann attributes the increase in birth deformities to the increase in fallout between the two time periods.

In Edmonton, with an average precipitation of 20.9 inches, there were 16.76 abnormal births per thousand. In Leftbridge, with a precipitation level of 12.9 inches, the abnormal birth rate was 13.07 per thousand.

Dr. le Vann's thesis has a post hoc proper hoc aura to it; he may not be right. The size of his sample was but slightly more than 30,000 infants. His data were but for 2 years. It will be necessary to have additional data for additional years before his work can be verified. It is, however, undeniable that indications of such importance to us all should be followed up with more extensive studies.

Dr. E. J. Sternglass, in an article published in Science June 7, 1963, comments upon Dr. Bryan MacMahon's report in the Journal of the National Cancer Institute, 28: 1173-91, 1962.

Hitherto our knowledge of cancer and leukemia resulting from radiation exposure has been limited to cases in which individuals received massive doses, doses as high as a thousand roentgens. Estimates of cancer and leukemia incidence among large population groups from the relative small amounts of radioactivity carried by fallout have been based until now upon interpretation of these cases.

Dr. MacMahon ran a statistical check on 734,243 children born in 37 maternity hospitals in New England during the years 1937-54. He found 10.6 percent of the mothers had received X-ray exposures which would have had the effect of subjecting the unborn infant to some radiation. Dr. MacMahon compared the exposed group of infants with

a control group made up of children whose mothers had not been X-rayed.

Present X-ray exposures now averages between 75 and 100 milliroentgens. In early years of the test periods, exposure levels of X-ray were higher—4 to 8 times higher.

Dr. MacMahon's results were startling: The death rate from leukemia and cancer was 40-percent higher for the children whose mothers had been X-rayed than for those who had not. This appears to be direct, hard, evidence that small levels of radiation can cause serious harm. It also offers evidence that the human foetus is between 20 to 60 times more sensitive to radiation than an adult.

Dr. Sternglass in his Science article, suggests that MacMahon's data also indicate a direct, linear relationship between cancer deaths and radiation dose increases.

Utilizing these new statistics, Dr. Sternglass estimates that the effect of the 1962 test series will be—as a result of the short-lived contamination alone—materials such as I^{131} —a 2.5- to 10-percent increase in childhood cancer for children born in this year. Put a different way, 4,000 out of the 4 million children born in the United States in the last year may die of cancer and leukemia. In evaluating this staggering interpretation, we must remember that it is based on fairly complicated assumptions and interpolations. As such, it may be very wrong. However, Consumer Reports, a journal with a good deal of knowledge in this field, has said with respect to the Sternglass article that its results are “apparently generally although not unanimously accepted.” And lead “one to conclude that present radiation tolerance may have to be revised downward.”

The conclusions of Drs. le Vann, MacMahon, and Sternglass become of greater concern when we turn to recent reports of detailed monitoring in Utah and Nevada.

During the month of July 1962, five test shots were set-off at Yucca Flats in Nevada. All five carried substantial amounts of I^{131} into Utah. Shortly after one of these tests, Dr. Robert C. Pendleton, radiation safety officer at the University of Utah, while demonstrating monitoring procedures to a class of students, discovered, purely by accident, extraordinary background radiation levels. Because of this discovery, the Utah State Department of Health decided to collect milk samples on a regular basis from 39 stations located across the State. The levels of I^{131} in the milk discovered were extraordinary.

The Radiation Protection Guide sets 100 micromicrocuries of I^{131} as an acceptable level of exposure for large population groups. Anything higher than this, if caused by “peacetime uses of atomic energy,” would call for the possible application of countermeasures and increased surveillance.

Utah officials determined that if it is assumed the average Utah citizen consumes 1 litre of milk a day (1.06 quarts), he would, in 1962, have received 58 thousand micromicrocuries of I^{131} .

This is almost one and a half times the acceptable RPG limit. It was found that contamination levels varied widely from dairy to dairy, from cold spot to hot spot. Some sample areas had undetectable levels of radionuclide contamination. Other areas had average intake levels ranging as high as 800 thousand micromicrocuries. This level is almost 10 times higher than the highest levels ever before reported in the United States. The above figures are based upon a daily consumption of one litre of milk.

Studies undertaken by the Public Health Service indicate that 10 percent of all male infants under 1 year of age drink 1.3 litres of milk a day or more. Such children receive, of course 1.3 times more radiation than the average citizen referred to above.

A recent study by R. T. Morrison indicates that a young child has a I^{131} thyroid uptake of 50 percent, 20 percent more than that previously assumed. This means that 20 percent more radioactive material is absorbed by the thyroid than scientists have calculated in the past. Usually I^{131} milk samples have been taken on a pooled daily basis. Figures released weekly by the Division of Radiological Health report contamination levels of a composite quart made up of carefully derived contributions from the major dairies in the area of testing. The Utah report makes clear what I have long suspected:

Milk pool values can be misleading indexes of group exposure. Our measurements of milk from one major Salt Lake dairy indicated total intake of 117,000 micromicrocuries of I^{131} for individuals consuming 1 liter of milk per day. Whereas at a second major Salt Lake dairy, the total intake was only 3,400 micromicrocuries of I^{131} . For comparison, the current yearly radiation protection guide of 0.5 rad to the thyroid gland of members of the general population is considered to correspond to the intake of about 29,000 micromicrocuries of I^{131} by the young child.

Mr. President, if we assume the average infant thyroid of 2-gram weight absorbs a conservative 30 percent of the I^{131} intake, the average child in Utah received a dose of 1 rad in 1962 during the month of July, and the range of exposure stretches from 0 to 14 rads. The seriousness of this contamination is seen when it is noted that the radiation protection guide sets 0.5 rad as the maximum acceptable amount of contamination permissible on an average basis to large population groups. This, in turn, is based upon an acceptable 30-year exposure of 0.5 rad.

These Utah figures presented to the Joint Committee on Atomic Energy, indicate that some children in the month of July of last year received almost three times as much radiation exposure from I^{131} as is considered acceptable over a 30-year period from all radiation sources.

In his testimony before the Subcommittee on Research Development and Radiation, Dr. Charles Mays made some rough estimates of the total thyroid dose received by Utah children from tests previous to the 1962 series. These figures are general. Information on the 80 or more aboveground nuclear test shots at

Yucca Flats between 1951 and 1958 is still difficult to obtain. The AEC has been slow to release data for the earliest tests in Nevada. According to Dr. Pendleton, at least one of these tests—May 7, 1952—released more I^{131} in Utah than the tests in 1962. It is only recently that the importance of I^{131} has become generally recognized. The Government did not begin monitoring the I^{131} levels surrounding the Nevada test site until 1962. Dr. Charles Dunham, Director of the AEC Division of Biology and Medicine, has explained this lapse with “we were too busy chasing strontium 90.”

Dr. Mays summarizes his estimate of infant radiation dosages as follows:

Recognizing that some children were exposed at age 0-1 and again at age 1-2, approximately 250,000 Utah children have been exposed to crudely estimated average thyroid doses of 4.4 rad prior to age 2. Individual doses, of course, range from much higher to much lower.

A study, similar to that of Dr. Mays and the Utah State Department of Health, but completely independent of it, was conducted by the Technical Division of the Greater St. Louis Citizens Committee for Nuclear Information. I cannot here do more than summarize the contents of this scholarly 50-page study presented to the Joint Atomic Energy Committee.

Perhaps the most important point made by the St. Louis study is that current AEC measurements of fallout levels after Nevada test shots are measurements of external radioactivity—that is, the total beta-radioactivity deposited on a gummed film placed on the ground or of beta activity in the air. This does not take into account the effect of radiation in the ecological food chain. Let me explain this:

Iodine 131 is a radio contaminant with a very short half life—no more than 8 days. This means that within the first 8 days of its existence, it loses over one-half of its potency. It is really dangerous to man for only these 8 days. After a test shot, it falls to earth fairly quickly, where it falls determined by wind and weather. If it falls on wheat or grains or pasturage which is cut and stored for longer than 8 days, it is harmless. If, however, it falls on grass which is eaten by milk cows, it is far from harmless. It reappears, and very quickly, in the milk produced by these cows. This milk in turn, if it is pasteurized and kept for a week or two, is harmless. If, however, the milk is pasteurized and immediately sold, it is far from harmless. It can be, and from time to time is, heavily contaminated with I^{131} . Young children drinking this milk are particularly susceptible to dosages for three reasons: First, the small size of the child's thyroid; second, its greater sensitivity to radiation; third, the long, post irradiation lifespan during which effects may appear. These effects may take as long as 10 to 20 years to appear. We will not know for many years to come what the full effect of atomic testing has been upon us and our progeny.

The St. Louis study, like the Utah study, is per force but a reputable estimate. According to the St. Louis report:

At least seven times since 1952, Washington County, Utah, children received thyroid doses in the 5 to 100 rad range or higher. Gamma radiation taken May 19, 1953 from "Shot Henry" indicate that a child at that time would have received 50 rads.

It is the belief of the St. Louis scientists that contamination levels far, far exceeding radiation guides, have been experienced repeatedly across the country in places as far afield as Troy, N.Y.; Roswell, N. Mex.; and Rock Springs, Wyo. Quoting Beach and Dolphin of the United Kingdom Atomic Energy Authority, on the average 35 cases of thyroid cancer may be experienced per million persons exposed to 1 rad of thyroid radiation:

In terms relevant to the present testimony, one in 286 children exposed to 100 rad thyroid radiation may develop thyroid cancer. By any standard, this is an unacceptable risk.

Concurrently with the release of the Utah report, the Atomic Energy Commission made public a study which it had commissioned by Dr. H. A. Knapp, Fallout Studies Branch, Division of Biology and Medicine, AEC. This report attempts to formulate an acceptable procedure for the calculation of I^{131} levels in milk on the basis of other measurements of fallout contamination on the ground. In his report Dr. Knapp speaks of I^{131} levels as high as 78,000 to 96,000 micromicrocuries per liter of milk. This is, as we have seen, over twice the yearly, and I emphasize yearly, acceptable amount of I^{131} for a child to consume under the terms of the radiation protection guide.

The Knapp report has stirred up a good deal of controversy both within and without the AEC. Again, his methods and his assumptions are debatable. They are debatable but they are not absurd. Their implications are very grave and they must be seriously considered.

Each of the six papers to which I have referred, utilize methods and procedures and hypotheses open to question. This I grant. There is no field more spongy than that of radiological health. No two scientists agree on any detail. Increasingly, however, almost all scientists agree that the field is an extremely important one. The problem is a national one. The responsibility is a Federal one. I regret that I must say, as I have said before, that the Federal Government is ducking its responsibility. Last year we spent but a total of \$18 million in the field of radiological health research monitoring and surveillance. This is not enough to protect the lives of 180 million Americans now alive, to say nothing of our children's children and their children.

As Senators will recall, the hazards of radioactive contamination are of particular import to my own State of Alaska. Time and time again I have pointed out the dangers which continued and increased contamination of the Arctic food chain could mean to Alaska native citizens.

The Arctic food chain is not unlike the grass, cow, milk chain which I have just described. On the Arctic slopes of Alaska there are great herds of caribou numbering into the thousands. These roam back and forth across the northern

part of the State. During the winter they exist largely on lichens, mosses, and sedges. These plants, unlike most plants, draw their nutrients directly from the air. They sift the air and in this process, absorb large quantities of radioactive materials. These in turn are taken up by the caribou when they eat the lichens. The Arctic caribou are heavily radioactive. The Eskimos, who live north of the Arctic Circle, in turn depend during the winter months on caribou meat as their principal food. As a result, there is the very real and present danger that the Eskimos themselves may obtain high and unacceptable levels of radioactive contamination from their food supply.

That this is a real problem has only recently been recognized. Figures are sketchy and inadequate. The only really useful figures we have were taken last year when whole body counts of Alaska natives were taken at several points in Alaska by a team of scientists from the Hanford Laboratories. The levels of strontium 90 and cesium 137 contamination found were fairly high. Higher than any found anywhere else in the United States. They were, however, still largely within range 2—or acceptable—levels as determined under the RPG.

Earlier this year I insisted that more extensive and comprehensive monitoring be done in the Arctic. I am pleased that this summer the Hanford team was able to take whole body counts all the way across Alaska. It was expected that contamination levels would rise, and they have, substantially.

In testimony before the Joint Committee on Atomic Energy last month, the manager of the Hanford Laboratories, Dr. H. M. Parker, verified that cesium 137 body burdens have increased over 1962 burdens by as much as 50 percent. In 1962 cesium 137 levels in several cases bordered on the so-called maximum acceptable limit of the radiation protection guide. It is fair to assume that this year they will have exceeded this level.

The problems of radioactive contamination of the Arctic are different in kind and degree from those of more temperate zones. We know very little about them. Earlier this year officials of the Radiological Health Division, the Atomic Energy Commission, and the Arctic Health Research Center joined in proposing a study of the contamination of the Arctic flora and fauna. This proposal is of very substantial importance. It has not as yet received final approval from the Atomic Energy Commission. I am determined that it will soon receive such approval. Arctic Alaska is America. Alaskan natives are American citizens. They are being exposed to hazards about which we know little. It is our responsibility to insure their protection.

My speech today makes grim listening. The recital of these new findings and studies in Canada, in Utah, in St. Louis, and in Alaska is not pleasant work. It is, however, I believe, important that the Senate should have this information and that it should have it now as we debate the test ban treaty.

To continue atomic testing, to continue to step up the frequency and intensity of these tests, to make no effort to

prevent the proliferation of atomic weapons—this surely is the path of madness and despair.

Already this year fallout levels are twice what they were last year. And still but one-third of the contamination in the atmosphere has fallen to earth. Even without the resumption of tests, fallout will be a public health hazard for years to come.

The resumption of tests would bring for us all, free and Communist alike, a whirlwind of poison.

When we, as U.S. Senators, vote on the ratification of the treaty, we must consider many things. We must consider the strength and continued strength of our Nation and of the free world; the effect a cessation of testing would have on this strength; the guarantees given that the terms of the treaty will be enforced; the assurances that we shall have adequate protection should the treaty be violated.

These we must consider; let us also consider what continued testing, continued fallout, would mean, now and in future years.

In this atomic age there are great risks—risks with and without treaties. I believe this treaty is an acceptable risk. I believe it can be an important step toward the goal which all men everywhere must desire and long for and should work for. I intend to vote for its ratification. I urge its ratification.

Mr. HUMPHREY. Mr. President, earlier today, the distinguished senior Senator from California [Mr. KUCHEL], the minority whip, delivered a remarkable address in the Senate. I was not privileged to be present during his presentation, but he was thoughtful enough to supply me with a copy of his prepared remarks. I join other Senators in their commendation of his address.

The senior Senator from California, like his own leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], demonstrated the finest qualities of bipartisan statesmanship in this remarkable address. He has analyzed the treaty item by item and article by article, and has brought to our attention once again, not only the text of the treaty, but the President's message to the Senate in submitting the treaty. He has reminded us of our duties and obligations under the treaty. He has again called to our attention the assurances that have been given to the Senate by the President of the United States.

The Senator from California emphasized in his address what the senior Senator from Minnesota sought to emphasize; that is, that the overwhelming body of evidence presented to the three committees that listened to the witnesses supports the ratification of the treaty and underscores the fact that the treaty is in our interest and the interest of the world.

The Senator from California has also reminded us of the limitations of the treaty, which I believe are important to bear in mind.

But once having noted the limitations, the initial step, as it has been called, is of the utmost importance to the relationship among nations as they struggle to

relieve the tension on the international scene and to find ways and means of establishing a peaceful world.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial, published today in the Washington Post, entitled "The Treaty's Great Boon"; a letter, written by Prof. Walter Selove, on the subject of an adequate missile defense; and the remarks, by Dr. Frank Graham, on the test ban treaty, as published in the Chapel Hill Weekly of August 28, 1963. Dr. Graham's remarks were made on August 26, at the Southern Baptist Assembly Grounds, at Ridgecrest, N.C. Dr. Graham, formerly president of the University of North Carolina, was, as we know, a few years ago one of the most distinguished and dedicated Members of the Senate. We are privileged to have the benefit of his remarks. I know of no one more dedicated to a just and enduring peace than this great citizen of the United States, who is so much loved by peace-loving peoples throughout the world.

There being no objection, the editorial, the letter, and the remarks were ordered to be printed in the RECORD, as follows: [From the Washington Post, Sept. 12, 1963]

THE TREATY'S GREAT BOON

Debate over the test ban treaty has been so crowded with examination of its purely military consequences that the virtue of eliminating radioactive fallout sometimes seems almost to be lost sight of in the overall discussion.

Senator HOLLAND and Senator PASTORE, among some others, have brought this forcibly to the attention of the Senate. The Senate and the country must not be allowed to minimize this very tangible boon. In the hearings before the Senate Foreign Relations Committee, and in the debate, there have been frequent allusions to the relatively minor risks to health involved in testing. It has been stated frequently that the added hazards involved in testing can be tolerated, that the risks are not considerable, that they are in fact less menacing than many other sorts of environmental pollution.

The somatic and genetic damage that will flow from the tests already conducted, by any standard of measurement, are terrible and horrifying. This damage might be multiplied were indiscriminate tests by many nations to take place in the future. The consequences of testing alone, to say nothing of the risk of war itself, might well work an alteration upon the environment of this planet that would work dreadful injury to the health of all mankind.

Scientists have had to proceed with caution into this unknown area and they have stated their anxieties conservatively but there is no mistaking their apprehensions. The report of the United Nations Scientific Committee on the effects of atomic radiation, last September, ought to be consulted anew. These scientists asked that great attention be given this risk because, they said: "The effects of any increase in radiation exposure may not be fully manifested for several decades in the case of somatic disease, and for many generations in the case of genetic damage." This report, like the reports of many other groups, emphasized that there is no threshold of added exposure up to which the tests are harmless. It stated: "Geneticists have consistently found both in mammals and other animals that the frequency of mutations is affected by radiation throughout the range of doses and dose rates investigated."

This committee pointed out, as has been so frequently observed in the debate, that

testing has increased fractionally radiation risks due to natural sources. It put the increase in hereditary effects due to testing up to 1961 at 11 percent and the increase in somatic effects from 15 to 23 percent. The U.N. group found that the concentration of carbon 14, with its afterlife of thousands of years, is now 25 percent above the concentrations resulting from natural processes. This nuclide will continue to irradiate future generations for thousands of years. Only after 20,000 years will 90 percent of the total dose due to carbon 14 be delivered.

Dr. Herman J. Muller, of Indiana, who won the Nobel Prize in 1946 for discovering that X-rays cause changes in our genes, has calculated that the fallout radiation resulting from the above-ground testing of a single 100-megaton bomb would be likely to induce more than 100,000 cases of leukemia, bone cancer, and other fatal ills to the present population of the world and a million harmful mutations in the next generation. Against the total population of the world, in terms of percentages, these casualties are not great. They are staggering in terms of the total human suffering conjured up in the mind of any sensitive man.

There has been a great deal of political conjecture about why the Soviet Union wished to sign the test ban treaty. The reason may be much more simple than our conjectures. As early as December 1961, N. P. Dubinen of the Institute of Cytology and Genetics wrote in a Soviet scientific journal an article on the "Analysis of the Effect of Radiation on Cellular Nuclei of the Culture of Embryonal Human Tissues." He concluded: "The effect of ionizing radiation in the range of small doses, starting with fractions of roentgens and higher, acting on humanity as a whole, represents a real danger to future generations and threatens the irradiated individuals themselves as possible causes of malignant tumors."

The weight of the world's scientific opinion is that radioactive fallout from testing has increased (and future testing would further increase) the hazards due to natural radiation; that any increase is likely to cause some additional somatic and genetic damage.

When this country had to weigh unilateral suspension of testing it was required to place this hazard in the scales against the risk that a failure to test (while others were testing) might handicap this country to the point that it would increase the likelihood of thermonuclear war with its calamitous radioactive fallout, to say nothing of its direct effects on human life. The test ban treaty committing others to refrain from testing, greatly diminishes this hazard. The suspension of atmospheric testing, in these altered circumstances, becomes an affirmative gain of the most enormous consequences to the human race.

Events may disappoint the hopes and expectations of those who have proposed this treaty. It does not, by itself, and for all time, automatically preclude the resumption of atmospheric testing, but it may well result in that most desirable end. And if it does, its adoption may spare unnumbered thousands of our own countrymen, and perhaps millions, around the world, the pain and sorrow of terrible, wasting, lifelong injury. And it may lift from mankind the dread menace and dire threat of damage to the genetic integrity of the human family that would cast its dark shadow forward through the generations down to children born 20,000 years from now.

LETTER BY PROF. WALTER SELOVE,
ASPEN, COLO.

The opponents of the test ban have made very misleading statements about the possibility of creating an effective defense against massive nuclear attack. By any technique that one can now imagine pursuing, neither the United States nor the U.S.S.R. can expect

to develop a defense system capable of preventing destruction of a major part of its population and industrial establishment.

Let me review some of the technical problems which make a real defense impractical. Imagine a heavy attack launched by each side against the other. (Let us not be unnecessarily paranoid—we may suppose a mutual large-scale attack, triggered against the real desire of both sides.) Consider first the problem of a defense for the United States. We may reasonably imagine that the attack, if it occurred say 2 or 3 years from now, would include:

1. Several hundred submarine-launched missiles (time, launch-to-delivery, about 5 minutes or less for most targets).

2. Several hundred large ICBM's, of 50 megatons each, with a number of decoys.

3. Several hundred large ICBM's, each one fragmenting (at various distances from target) to several live 5 megaton bombs.

What are some of the defense problems against such an attack? First, lack of time to identify and intercept the attacking missiles. For the heavily settled east coast region, for example, many submarine-launched bombs could arrive within 3 minutes from launch time, and within seconds, or minutes, or (after initial destruction of defense installations) tens of minutes from each other. If 10 to 20 such bombs, out of perhaps hundreds launched, reached their targets, the toll would probably reach 10 to 20 million dead on the east coast alone, and there would be vast destruction of cities, including industry and transport facilities—the ports of New York, Philadelphia, and Baltimore would probably be destroyed, for example.

So far I have spoken only of the east coast, only of submarine-launched missiles, and only of 10 percent penetration of a defense system. Let us next consider the second item of the attack volley listed above. If one 50-megaton bomb penetrated the defenses of New York (remember that perhaps 10 such bombs might be aimed there, and that they could come in a saturating volley, together with hundreds of simultaneous decoys or with scores of the fragmentation-type, live bombs of item 3)—if one such bomb reached New York, New York would be obliterated, with everything destroyed by blast and fire out to tens of miles distance, and with shelters within that area being completely useless unless equipped with independent air supply.

It is not necessary to go into many further possibilities that one can think of (except for one that is probably worth mentioning, and that is to have a 100-megaton bomb set off in a ship 5 miles off New York Harbor, or fired toward the city from such a ship) to begin to realize the basic point. A defense which would be even 90 percent effective (the very first time it had to be used) and which would be that effective even though called upon to deal with decoy and other deceptive techniques of a type probably not anticipated—even such a "defense" could not hope to prevent the killing of many tens of millions of people, and the destruction of a vast part of the industry and the entire civilization of the country.

And what about the Soviet Union? The attack on them would involve several times as many missiles. Could the U.S.S.R. protect its people? Even Dr. Teller, the foremost arguer for a continued bomb contest, has said not only that the United States would probably not be able to save its cities, but also that "it is not likely that the Russians will develop a foolproof missile defense." What then does Dr. Teller mean when he states his guess that the Russians "know how to defend against oncoming missiles"? Does he mean that he believes they have, or can build, a 90-percent effective defense? Does he mean that he believes the Soviets might be willing to accept 10 percent penetration, and to correspondingly suffer destruction of a major part of their

civilization? Does he mean that he thinks that no matter how much the United States develops the penetration ability of its own missiles (by decoy techniques, for example) the U.S.S.R. can still realistically expect to actually achieve an interception rate as high as 90 percent? Does he mean that he believes the offense cannot keep ahead of the defense? Is it not clear that if either side were to engage in the installation of a massive antimissile system, the other side could nullify that system by merely sealing up its attacking force?

Arguments that the Soviet Union probably knows how to build an effective defense, arguments that the United States must pour enormous energies into the pursuit of a good defense system that can protect the country—such arguments are completely meaningless, and dangerously misleading, unless one spells out the quantitative performance one is talking about.

I am not speaking for a policy of discouragement. I am not speaking for a policy of futility. I am not speaking for a policy of laying down our arms. I am speaking for a policy of clear, balanced examination of the technical facts. I am speaking for a clear understanding that our only real security depends on the ultimately rational behavior of the Soviets (and theirs on ours). I am speaking for the understanding that the pursuit of a defense against massive nuclear attack is, on the basis of the technical facts, most likely the pursuit of a mirage. The dangers from a continued bomb contest are not a mirage—they are very real and urgent, and have been spelled out well enough not to require repeating here.

To say that there is extremely little hope that an effective defense can be developed is not to say that work on an ABM (antiballistic missile) should be abandoned. In the present uneasy state of the world no one could realistically recommend that work on an ABM should be dropped.

The Senate has the great and proper responsibility to examine minutely the reasons for or against the test ban treaty. I hope there will remain no question, when the Senate finally votes, that the idea of a defense is illusory, and that it is the true interest of both the United States and the U.S.S.R. that has brought this treaty to be signed.

[From the Chapel Hill Weekly, Aug. 28, 1963]

WHICH WAY AMERICA AND THE WORLD

(Remarks by Dr. Frank P. Graham on August 26 at the Southern Baptist Assembly Grounds at Ridgecrest. Dr. Graham, former president of the university here and U.S. Senator from North Carolina, is now a United Nations mediator)

In this kind of a world, a war or a depression anywhere involves all people everywhere. There can never again be any isolation from the skies above, the seas around or the continents beyond. The splendid American isolation behind the two great ocean moats did not keep America out of the First World War. Staying out of the League of Nations did not keep the United States out of the Second World War. The American people learned the hard way and then decided that, instead of staying on the outside and being drawn into the World Wars after they start, they would join the United Nations and seek more effectively on the inside to prevent the third world war which would cost millions of American lives, hundreds of billions of American dollars and mayhap all people on the earth.

The very year, 1945, in which atomic power made its entrance into history the United Nations made its entrance on the stage of the world. With all its weakness and frustrations, the United Nations has cooled off seven hotspots where a local fire might have become a global conflagration. By its very existence

as an open forum of the world and as a safety valve for grievances and the release of tensions, the United Nations has so far prevented the beginning of the third world war.

THE TEST BAN TREATY

Which way America and which way the world in this fatefully interdependent world? For the first time in human history, through the scientific and technological revolutions, man and his accumulated civilization can be destroyed overnight. Also for the first time man has the capacity and opportunity in this creative age to provide progressively for all people on the earth their needs for food, clothing, shelter, education, health, well-being and the opportunities for more beautiful creations of the human spirit and nobler mansions of the human soul.

On this earth where the essential atmosphere may be poisoned for generations and the panicked press of a button may end the human race, there is, in the midst of its fast accelerating and inevitably fateful arms race, the moral imperative for a beginning step toward ending the race whose goal line is human suicide.

The ratification of the test ban treaty would be a beginning step of a reciprocally developing faith toward a progressive and effective universal disarmament. This beginning step would be without any appeasement of totalitarian tyranny or any surrender of the great democratic goals and hopes of the equal freedom, justice, and peace for all the people on the earth. We have faith and hope in the physical descent and spiritual ascent of man toward the family of man and the Kingdom of God.

Yet we must also realize that, with man's moral freedom of choice of good and evil, the present potential juncture of the explosive power deep in primitive inheritance and subconscious natures of man and the explosive destructive power deep in the nature of thermonuclear force, may break through the thin crust of civilization and quickly end the human species long slowly evolved on this planet.

Great decisions in historic times are often made in the smaller decisions of the days and the years of accumulative time. The present accumulative decisions carry in themselves the fateful alternative between a beginning step in the test ban treaty toward slowing down the arms race and the accumulative steps toward totally ending the human race.

THE PRINCIPLES OF THE AMERICAN REVOLUTION

In this interdependent world with its accumulating decisions, the crucial alternative is between this accumulating downward drift toward universal annihilation and the patient upward struggle toward more effective international cooperation through the United Nations. Hundreds of millions of people looking east and west for signs of humane hopes must not in this hour find a negative approach toward a beginning step in the test ban treaty or a prolonged filibuster against the program for the equalization of the basic freedoms and rights for all Americans in the progressive fulfillment of our Hebraic-Christian heritage and our American revolutionary hopes.

In the midst of the American Revolution, because of their own values and out of a decent respect for the opinion of mankind the great Virginian, Thomas Jefferson, declared for all the American principle of equal freedom, opportunity and self-determination of all people.

This was the first universal declaration of human rights ever adopted by the chosen delegates of any people.

Immortally declared by Jefferson, heroically embodied by Lincoln, and universally proclaimed by Wilson and Roosevelt, these revolutionary principles went winging around the earth, ringing down the years and are

still singing in the minds and hearts of the people of two hemispheres.

They have come home again and must not be rejected in the house of the Founding Fathers.

America, the haven of the disinherited of the earth and the home of a great revolutionary faith in the days of her infant weakness should not, in the times of her great power, become the home of a paralyzing fear and a destructive intolerance.

The sons and daughters of the American Revolution must not become the fathers and mothers of the American reaction against the very principles of the American Revolution.

This reaction would abdicate the leadership of equal freedom in a hopeful world desperately in need of the best which America has to give in this time of hazard and hope for all people.

Rather we must make clear to ourselves and the world that the great declarations of faith and freedom for progressive fulfillment are not merely the historic and professed sources, but are the present and living sources of America's faith in herself, the world's faith in America and America's moral influence and power in the world.

The long unfulfilled but yet onrolling ideals of the American Revolution have progressively opened doors of political equality which had long been closed to Jews, Catholics, landless people, colored people and women. The most disinherited people in America are the migrant workers, mostly colored, who wander in search of work, rootless, homeless, sometimes defenseless and often hopeless pilgrims in the land of the Pilgrims' pride. They are on the unfinished American agenda today.

At the end of the 18th century Thomas Jefferson victoriously led the people in making States rights—a theory nobly conceived and sometimes ignobly used—the sword of liberty against the national hysteria and Federal tyranny of the alien and sedition laws. These laws out of fear of the French Revolution and the lack of faith in robustness of our own American freedom, sought to subvert the American Bill of Rights. Later States rights became for a time, the shield of slavery in the South; and later, the weapon of exploitation of women and children in the sweatshops of great cities in the North; and today the armament of massive resistances to the law of the land for the equal freedom of all Americans.

THE AMERICAN REVOLUTION AND THE MARCH ON WASHINGTON

The present American revolution of the Negro people did not get its impulse or its impetus from Moscow but in such centers of the ex-Confederate South as Montgomery and Greensboro. Its older sources are in Carpenters' Hall and Independence Hall, Philadelphia, in the revolutionary rendezvous of the American people for equal freedom and human dignity. Their farther headwaters insurgently arise in the Judean Hills and resurgently flow from the Sea of Galilee where the Carpenter's Son lived, taught, suffered, died and triumphed over the death for the sacredness of all persons as children of one God and brothers of all people.

The youth, in their movement for the same service for the same price, in sitting down, are standing up for the American dream. They are not trying to overthrow the Republic but fulfill the promise of the Republic. With the Bible and Constitution in their hands, hymns and prayers on their lips and nonviolence and brotherhood in their hearts, they are in many ways the most religious in their faith and the most American in their hopes.

Martin Luther King is not consciously or unconsciously an agent or ally of fascism or communism. He is one of the great Ameri-

can bulwarks for freedom against totalitarianism, racism and colonialism in the world today.

The question these August days is not whether there will be the people's pilgrimage to Washington with their petition under the Bill of Rights for the redress of grievances, but whether it will be unruly, violent and self-defeating or nonviolent and impressive in personal dignity, human decency and public influence. The spiritual quality of the leadership and the patriotic spirit of the volunteer pilgrims reinforce our faith that this pilgrimage and petition of the people will be influential in the meaning of America at home and in the image of America in the world in her leadership in the partnership of nations for equal freedom, justice and peace under law and human brotherhood under God in this time of mortal peril and immortal hope for all mankind.

Mr. HUMPHREY. Furthermore, Mr. President, this morning's Washington Post editorial, entitled, "The Treaty's Great Boon," is more than an editorial; it is a dissertation upon the benefits of the treaty. It relates in large measure, of course, to the fact that the treaty will make a great contribution in one area, in particular: the reduction of nuclear radioactive fallout.

This itself would be enough to benefit mankind; and the fact that in this debate, we have not stressed this benefit, indicates, to me, that Congress has more or less mesmerized itself in the process of considering the wonders and the mysticism of nuclear weaponry and strategy and has failed to take into consideration the potential danger that does exist—and is shown by scientific evidence to

exist—in the continuation, growth, and the acceleration of radioactive fallout.

Today, many people in this country are deeply concerned about this development—particularly people in the Midwest and Far West, who today, as we know, are witnessing a doubling of strontium 90 in their milk supply, and are finding a dangerous quantity of iodine in food particles, with a consequent increased possibility of leukemia and other forms of malignancy or cancer.

These facts cannot be denied; and the fact that the treaty is directed toward reducing the danger of radioactive fallout should not be minimized. I have been asked repeatedly to state the benefits of the treaty. One of the benefits is that it may save lives. I believe that question is as important as the question of whether the treaty will limit scientific exploration in regard to how to destroy lives. The Senate should try to find ways and means to make the lot of mankind happier and the continuity of life surer, rather than simply to dedicate its efforts to the ascertainment of how to overkill or how to destroy larger numbers of people or greater amounts of property.

This is our opportunity to fulfill one of the real purposes of democratic citizenship: to secure the blessings of life, liberty, and the pursuit of happiness.

NUCLEAR TEST BAN TREATY— AMENDMENT

Mr. RUSSELL submitted an amendment, intended to be proposed by him, to the resolution of ratification of the

treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, which was ordered to lie on the table and to be printed.

NUCLEAR TEST BAN TREATY— RESERVATION

Mr. GOLDWATER submitted a reservation, intended to be proposed by him, to the resolution of ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, which was ordered to lie on the table and to be printed.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 4 minutes p.m.) the Senate, in executive session, adjourned, under the order previously entered, until tomorrow, Friday, September 13, 1963, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate September 12, 1963:

DIPLOMATIC AND FOREIGN SERVICE

W. True Davis, Jr., of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.